

And, Mr. Speaker, I remember with so much pleasure this fact, that Mr. TRIBBLE not only professed the Christian religion but he practiced it, which is a far better thing.

I see him now, when on Sabbath evenings when at home, he would go into East Athens, a part of the city lived in by God-fearing men and women, and he visited the Sunday schools and singing schools. Nothing interested him more than this work, and he brought sunshine and happiness whenever he entered the door. What a sweet reflection this is.

"I am the resurrection and the life, saith the Lord; he that believeth in me, though he were dead, yet shall he live," and whosoever liveth and believeth shall never die.

Life's fitful fever ended, he sleeps well, and may he renew his wasted strength and refresh his fatigued faculties in the balmy breezes of Heaven's happy home. May a kind Providence rest his mighty soul in eternal peace.

The SPEAKER pro tempore. Under the resolution already adopted the House stands adjourned until Monday, February 5, 1917, at 12 o'clock noon.

Accordingly (at 1 o'clock and 58 minutes p. m.) the House adjourned to meet to-morrow, Monday, February 5, 1917, at 12 o'clock noon.

SENATE.

MONDAY, February 5, 1917.

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God, our Father in heaven, we feel deeply our dependence upon Thee and upon Thy kind providence. We know not what a day may bring forth. In the midst of life we are in death. Guide us, we pray Thee, and guide all the affairs of our great country, that we may have life, and that we may have it more abundantly. Bless Thy servant, the President of the United States, his Cabinet, the Members of Congress, and all who are in positions of authority that they may have wisdom and grace to guide us through these perilous times in a safe way, and that the blessings of peace may speedily come to all the world. We ask it all in Jesus' name. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, February 2, 1917, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SUBMARINE WARFARE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of State, transmitting, in response to a resolution of the 3d instant, a translation of the note addressed to him on January 31, 1917, by the German ambassador at Washington, together with translations of the two memoranda which accompanied it. The communication and accompanying papers will be printed in the RECORD and referred to the Committee on Foreign Relations.

The matter referred to is as follows:

To the Senate:

In compliance with the resolution adopted by the Senate on February 3, 1917, requesting the Secretary of State, if not incompatible with the public interest, to transmit to the Senate a correct copy of the message and accompanying memoranda from the Imperial German Government advising of the resumption of submarine warfare against neutral and other countries, of date February, 1917, the undersigned the Secretary of State has the honor to transmit to the Senate herewith a translation of the note addressed to him on January 31, 1917, by the German ambassador at Washington, together with translations of the two memoranda which accompanied it.

These appear to be the documents called for by the Senate resolution.

DEPARTMENT OF STATE.

Washington, February 3, 1917.

(File No. 763.72/3179.)

THE GERMAN AMBASSADOR TO THE SECRETARY OF STATE.

[Translation.]

GERMAN EMBASSY,

Washington, January 31, 1917.

MR. SECRETARY OF STATE: Your Excellency were good enough to transmit to the Imperial Government a copy of the message which the President of the United States of America addressed to the Senate on the 22d instant. The Imperial Government has given it the earnest consideration which the President's statements deserve, inspired as they are by a deep sentiment of responsibility. It is highly gratifying to the Imperial Government to ascertain that the main tendencies of this important statement correspond largely to the desires and principles professed by Germany. These principles especially include self-government and equality of rights for all nations. Germany would be sincerely glad if in recognition of this principle countries like Ireland and India, which do not enjoy the benefits of political independence, should now obtain their freedom. The German people also repudiate all alliances which serve to force the countries into a competition for might and to involve them in a net of selfish intrigues. On the other hand, Germany will gladly cooperate in all efforts to prevent future wars. The freedom of the seas, being a preliminary condition of the free existence of nations

and the peaceful intercourse between them as well as the open door for the commerce of all nations, has always formed part of the leading principles of Germany's political program. All the more the Imperial Government regrets that the attitude of her enemies who are so entirely opposed to peace makes it impossible for the world at present to bring about the realization of these lofty ideals. Germany and her allies were ready to enter now into a discussion of peace and had set down as basis the guaranty of existence, honor, and free development of their peoples. Their aims, as has been expressly stated in the note of December 12, 1916, were not directed toward the destruction or annihilation of their enemies and were, according to their conviction, perfectly compatible with the rights of the other nations. As to Belgium, for which such warm and cordial sympathy is felt in the United States, the chancellor had declared only a few weeks previously that its annexation had never formed part of Germany's intentions. The peace to be signed with Belgium was to provide for such conditions in that country, with which Germany desires to maintain friendly neighborly relations, that Belgium should not be used again by Germany's enemies for the purpose of instigating continuous hostile intrigues. Such precautionary measures are all the more necessary as Germany's enemies have repeatedly stated not only in speeches delivered by their leading men but also in the statutes of the economical conference in Paris that it is their intention not to treat Germany as an equal even after peace has been restored but to continue their hostile attitude and especially to wage a systematical economical war against her.

The attempt of the four allied powers to bring about peace has failed, owing to the lust of conquest of their enemies, who desired to dictate the conditions of peace. Under the pretense of following the principle of nationality, our enemies have disclosed their real aims in this war, viz, to dismember and dishonor Germany, Austria-Hungary, Turkey, and Bulgaria. To the wish of reconciliation they oppose the will of destruction. They desire a fight to the bitter end.

A new situation has thus been created which forces Germany to new decisions. Since two years and a half England is using her naval power for a criminal attempt to force Germany into submission by starvation. In brutal contempt of international law the group of powers led by England does not only curtail the legitimate trade of their opponents but they also by ruthless pressure compel neutral countries either to altogether forego every trade not agreeable to the entente powers or to limit it according to their arbitrary decrees. The American Government knows the steps which have been taken to cause England and her allies to return to the rules of international law and to respect the freedom of the seas. The English Government, however, insists upon continuing its war of starvation, which does not at all affect the military power of its opponents but compels women and children, the sick and the aged, to suffer for their country pains and privations which endanger the vitality of the nation. Thus British tyranny mercilessly increases the sufferings of the world indifferent to the laws of humanity, indifferent to the protests of the neutrals whom they severely harm, indifferent even to the silent longing for peace among England's own allies. Each day of the terrible struggle causes new destruction, new sufferings. Each day shortening the war will on both sides preserve the life of thousands of brave soldiers and be a benefit to mankind.

The Imperial Government could not justify before its own conscience, before the German people, and before history the neglect of any means destined to bring about the end of the war. Like the President of the United States, the Imperial Government had hoped to reach this goal by negotiations. After the attempts to come to an understanding with the entente powers have been answered by the latter with the announcement of an intensified continuation of the war the Imperial Government—in order to serve the welfare of mankind in a higher sense and not to wrong its own people—is now compelled to continue the fight for existence, again forced upon it, with the full employment of all the weapons which are at its disposal.

Sincerely trusting that the people and Government of the United States will understand the motives for this decision and its necessity, the Imperial Government hopes that the United States may view the new situation from the lofty heights of impartiality and assist on their part to prevent further misery and avoidable sacrifice of human life.

Inclosing two memoranda regarding the details of the contemplated military measures at sea, I remain, etc.

(Signed)

J. BERNSTORFF.

[Inclosure 1.]

MEMORANDUM.

After bluntly refusing Germany's peace offer the entente powers, stated in their note addressed to the American Government, that they are determined to continue the war in order to deprive Germany of German Provinces in the west and the east, to destroy Austria-Hungary, and to annihilate Turkey. In waging war with such aims, the entente allies are violating all rules of international law, as they prevent the legitimate trade of neutrals with the central powers, and of the neutrals among themselves. Germany has, so far, not made unrestricted use of the weapon which she possesses in her submarines. Since the entente powers, however, have made it impossible to come to an understanding based upon equality of rights of all nations, as proposed by the central powers and have instead declared only such a peace to be possible, which shall be dictated by the entente allies and shall result in the destruction and humiliation of the central powers, Germany is unable further to forego the full use of her submarines. The Imperial Government, therefore does not doubt that the Government of the United States will understand the situation thus forced upon Germany by the entente allies' brutal methods of war and by their determination to destroy the central powers, and that the Government of the United States will further realize that the now openly disclosed intentions of the entente allies give back to Germany the freedom of the action which she reserved in her note addressed to the Government of the United States on May 4, 1916.

Under these circumstances Germany will meet the illegal measures of her enemies by forcibly preventing after February 1, 1917, in a zone around Great Britain, France, Italy, and in the eastern Mediterranean all navigation, that of neutrals included, from and to England and from and to France, etc. All ships met within that zone will be sunk.

The Imperial Government is confident that this measure will result in a speedy termination of the war and in the restoration of peace which the Government of the United States has so much at heart. Like the Government of the United States, Germany and her allies had hoped to reach this goal by negotiations. Now that the war, through the fault of Germany's enemies, has to be continued, the Imperial Government feels sure that the Government of the United States will understand the necessity of adopting such measures as are destined to bring about a speedy end of the horrible and useless bloodshed. The

Imperial Government hopes all the more for such an understanding of her position, as the neutrals have under the pressure of the entente powers, suffered great losses, being forced by them either to give up their entire trade or to limit it according to conditions arbitrarily determined by German's enemies in violation of international law.

[Inclosure 2.]
MEMORANDUM.

From February 1, 1917, all sea traffic will be stopped with every available weapon and without further notice in the following blockade zones around Great Britain, France, Italy, and in the eastern Mediterranean:

In the north: The zone is confined by a line at a distance of 20 sea miles along the Dutch coast to Terschelling Fire Ship, the degree of longitude from Terschelling Fire Ship to Udsire, a line from there across the point 62° north 0° longitude to 62° north 5° west, farther to a point 3 sea miles south of the southern point of the Faroe Islands, from there across point 62° north 10° west to 61° north 15° west, then 57° north 20° west to 47° north 20° west, farther to 43° north, 15° west, then along the degree of latitude 43° north to 20 sea miles from Cape Finisterre and at a distance of 20 sea miles along the north coast of Spain to the French boundary.

In the south: The Mediterranean.

For neutral ships remains open: The sea west of the line Point del'Espliquette to 38° 20' north and 6° east, also north and west of a zone 61 sea miles wide along the north African coast, beginning at 2° longitude west. For the connection of this sea zone with Greece there is provided a zone of a width of 20 sea miles north and east of the following line: Thirty-eight degrees north and 6° east to 38° north and 10° east to 37° north and 11° 30' east to 34° north and 11° 30' east to 34° north and 22° 30' east.

From there leads a zone 20 sea miles wide west of 22° 30' eastern longitude into Greek territorial waters.

Neutral ships navigating these blockade zones do so at their own risk. Although care has been taken that neutral ships which are on their way toward ports of the blockade zones on February 1, 1917, and have come in the vicinity of the latter, will be spared during a sufficiently long period it is strongly advised to warn them with all available means in order to cause their return.

Neutral ships which on February 1 are in ports of the blockaded zones can, with the same safety, leave them if they sail before February 5, 1917, and take the shortest route into safe waters.

The instructions given to the commanders of German submarines provide for a sufficiently long period during which the safety of passengers on unarmed enemy passenger ships is guaranteed.

Americans en route to the blockade zone on enemy freight steamers are not endangered, as the enemy shipping firms can prevent such ships in time from entering the zone.

Sailing of regular American passenger steamers may continue undisturbed after February 1, 1917, if (a) the port of destination is Falmouth; (b) sailing to or coming from that port course is taken via the Scilly Islands and a point 50 degrees north 20 degrees west; (c) the steamers are marked in the following way, which must not be allowed to other vessels in American ports: On ships' hull and superstructure three vertical stripes 1 meter wide, each to be painted alternately white and red. Each mast should show a large flag checkered white and red, and the stern the American national flag. Care should be taken that during dark, national flag and painted marks are easily recognizable from a distance and that the boats are well lighted throughout; (d) one steamer a week sails in each direction, with arrival at Falmouth on Sunday and departure from Falmouth on Wednesday; (e) the United States Government guarantees that no contraband (according to German contraband list) is carried by those steamers.

ANNUAL REPORT OF COMMISSIONER OF PATENTS (H. DOC. NO. 2027).

The VICE PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the year ended December 31, 1916, which was referred to the Committee on Patents and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions filed by the court in the following causes:

Annie K. Squier, widow (remarried) of Samuel Ingraham, deceased, *v. The United States* (S. Doc. No. 704); and

Arthur E. Colgate, administrator of the estate of Clinton G. Colgate, deceased, *v. The United States* (S. Doc. No. 705).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 21. An act authorizing the city of Salida, Colo., to purchase certain public lands for public-park purposes;

H. R. 1024. An act for the relief of Allen M. Hiller;

H. R. 1358. An act for the relief of Everett H. Corson;

H. R. 3238. An act for the relief of Sarah E. Elliott;

H. R. 5262. An act for the relief of John B. Hoover;

H. R. 8057. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 8267. An act to place Bernard A. Schaaf on the retired list of the Army;

H. R. 8452. An act for the relief of Charles L. Moore;

H. R. 10173. An act for the relief of Anna C. Parrett;

H. R. 11745. An act for the relief of S. E. Bennett;

H. R. 12240. An act for the relief of John Brodie;

H. R. 12742. An act for the relief of Gottlob Schlect and Maurice D. Higgins and for the relief of the heirs and legal representatives of Valentine Brasch;

H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will;

H. R. 13820. An act for the relief of Mrs. Jennie Buttner;

H. R. 14572. An act for the relief of Gertie Foss;

H. R. 14645. An act for the relief of the legal representatives of P. H. Aylett;

H. R. 14784. An act for the relief of Alma Provost;

H. R. 14822. An act to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America; and

H. R. 14978. An act for the relief of Ida Turner.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram from the Legislature of South Dakota, transmitting a copy of a concurrent resolution adopted by the legislature pledging the support of the people of that State to the President and the Congress in the present crisis, which was ordered to lie on the table and to be printed in the RECORD, as follows:

PIERRE, S. DAK., February 4, 1917.

The PRESIDENT OF THE SENATE,
Washington, D. C.

Concurrent resolution.

Be it resolved by the House of Representatives of South Dakota (the Senate concurring), That we, the Legislative Assembly representing the people of the State of South Dakota, do in this crisis hereby pledge our support to the President and Congress of the United States in any stand they may take to defend and protect the honor and dignity of our Nation and to preserve to our citizens their rights and privilege.

Be it further resolved, That a copy of this resolution be forthwith messaged by wire by the secretary of state to the President of the United States and to the presiding officer of each House of the National Congress.

FRANK M. ROOD,
Secretary of South Dakota.

The VICE PRESIDENT presented a telegram, in the nature of a petition, from the Bible class of the First Presbyterian Church of Pittston, Pa., praying for national prohibition, which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of the United States, remonstrating against the literacy test in the immigration bill, commending the President for his veto of that bill, and praying that Congress eliminate the literacy clause from the measure, which was ordered to lie on the table.

He also presented a telegram, in the nature of a petition, from the executive council of the New York State Federation of Labor, indorsing the President's action in severing diplomatic relations with Germany and pledging their support, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Michigan. I have received a number of telegrams from mutual life insurance companies and others in my State protesting against the passage of the pending emergency revenue bill in its present form, and asking an opportunity to be heard.

I have one from H. B. Coleman, of Kalamazoo, Mich., which is fairly indicative of the others, and I will ask that it be printed in the RECORD without reading.

There being no objection, the telegrams were referred to the Committee on Finance and the one indicated ordered to be printed in the RECORD, as follows:

KALAMAZOO, MICH., January 30, 1917.

WM. ALDEN SMITH,
Washington, D. C.:

In behalf of the mutual life insurance companies I desire to enter a protest against the passage of the Federal emergency-revenue measure in its present form. I regard it as being unfair and unjust to them, and the reasons for this conclusion will be placed before you later. In the meantime, please use your endeavors to secure a fair hearing from the companies on this measure.

H. B. COLEMAN.

Mr. SMITH of Michigan. I have also telegrams from the Michigan Manufacturers' Association protesting against the passage of the revenue bill in that it discriminates against manufacturers and other business associations.

I present a protest from Hon. Cornelius Van Loo, one of the prominent citizens of Michigan, and if I may be indulged for a moment I will read a sentence or two from this protest. It comes from Zeeland, Mich., and is addressed to myself.

We note there is a Federal revenue bill now pending which carries a provision for taxing all profits of a corporation in excess of 8 per cent on their capital. We do not understand whether this is to take the place of the income tax we now have to pay or is in addition thereto. If it takes the place of it, then it is to be preferred, if the rate be not excessive. If we are correctly informed, that rate is to be 8 per cent, which would be outrageous. Under the present income tax law we pay on all profits or income, while if a man gets his income from another

source than corporate earnings he has, if married, \$4,000 exempt, otherwise \$3,000. By consequence, if our business were not corporate but I owned it alone I would have \$4,000 exempt, while now we pay on the whole. How does that work? We have 35 stockholders, many poor people, for small amounts only. They have to stand their share, small, it is true, but the principle is vicious. For instance, Mrs. Gertrude Verecke holds 83 shares which her dead husband left her. What she requires to live beyond the income from this she has to earn by scrubbing and washing. Yet she must help pay this income tax. If anyone can make out that that is right, I should like to hear the argument. We also are now required to pay a tax on stock, if above the value of \$99,000. That is a tax—and it must be paid in advance—for the privilege of doing business, for the privilege of working so one can earn his living. The idea seems to be, pay a tax or you have no right to live, to exist. I do not see what we are coming to, and when the money is raised we waste it catching (not catching) Villa and not getting salute of 21 guns to restore the honor of our flag. O Statesmanship, what folly and nonsense and oppression are committed in thy name.

I am reading that as a fair sample of protests which come to me daily and which emphasize the utter lack of sympathy of the people with this proposed taxation.

Mr. SMITH of Georgia. I wish to say to the Senator from Michigan that to-morrow at 10 o'clock we will hear the insurance people in the office of the Committee on Education and Labor.

Mr. SMITH of Michigan. I thank the Senator.

Mr. SMITH of Georgia. I take it for granted that the general representatives of the insurance companies will speak for all of them.

Mr. SMITH of Michigan. I am very much obliged to the Senator.

Mr. SMITH of Georgia. The Subcommittee on Finance has in charge the business of insurance, and there is question as to what is really the desire of the insurance companies. I understand they do not object to paying on their profits, but they do not wish to be taxed on the trust funds of their policyholders.

Mr. SMITH of Michigan. I am very much obliged to the Senator from Georgia. I hope they are giving careful thought to that phase of this question.

Mr. SMITH of Georgia. We are, and a subcommittee consisting of three Democrats will sit to-morrow and hear them.

Mr. SMOOT. Did I understand the Senator to say that the Committee on Education and Labor will hear them?

Mr. SMITH of Georgia. No; I said in the office of the Committee on Education and Labor.

Mr. SMOOT. That will be three members of the majority of the Finance Committee?

Mr. SMITH of Georgia. Three members of the majority of the Finance Committee will sit to-morrow morning and hear them.

The VICE PRESIDENT. The memorials will be referred to the Committee on Finance.

Mr. SMITH of Michigan presented a telegram, in the nature of a petition, from the Board of Commerce, of Marshall, Mich., praying for an appropriation for the erection of a new post-office building in that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. CURTIS. I present a concurrent resolution of the Legislature of Kansas, which I ask may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate concurrent resolution 12.

Whereas the granting of suffrage to the women of Kansas has resulted beneficially to the State and has been a great advantage to the men and women of Kansas and is a helpful influence in all public affairs and legislation; and

Whereas the withholding of the right to vote from women of other States is an injustice and deprives the Nation of the direct participation in the Government of a large part of the people: Be it

Resolved by the Senate of the State of Kansas (the House of Representatives concurring therein), That the Senators and Representatives in Congress from the State of Kansas are hereby requested to vote in favor of the Susan B. Anthony amendment, which seeks to terminate the discrimination against women and to urge upon Congress a submission of that amendment to the States for ratification.

Resolved, That a copy of this resolution be sent to each Senator and Representative in Congress from the State of Kansas, to be presented by them to the Congress of the United States.

I hereby certify that the above concurrent resolution originated in the senate and passed that body January 24, 1917.

W. Y. MORGAN,
President of the Senate.
E. D. GEORGE,
Secretary of the Senate.

Passed the house January 26, 1917.

A. M. KEENE,
Speaker of the House.
CLARENCE W. MILLER,
Chief Clerk of the House.

Approved January 30, 1917.

ARTHUR CAPPER, Governor.

Mr. CURTIS. I present a concurrent resolution of the Legislature of Kansas, which I ask to have printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the concurrent resolution was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

STATE OF KANSAS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, J. T. Botkin, secretary of state of the State of Kansas, do hereby certify that the following and hereto attached is a true copy of house concurrent resolution No. 15, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed my official seal.

Done at the city of Topeka this 1st day of February, A. D. 1917.

[SEAL.]

J. T. BOTKIN,
Secretary of State.

House concurrent resolution 15.

Whereas the southwestern portion of the State of Kansas is located in what is known as the semiarid belt at the foot of the Rocky Mountains; and

Whereas the Cimarron River flows through this portion of the State of Kansas; and

Whereas the Government of the United States has made surveys for reservoir sites for the purpose of reclaiming the semiarid belt at the foot of the Rocky Mountains: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas (the Senate concurring therein):

SECTION 1. That the Legislature of the State of Kansas request the Secretary of the Interior and the Congress of the United States to erect a plant on the highest general level near the west line of the State of Kansas, on the Cimarron River, for the purpose of reclaiming the semiarid portions of southwest Kansas by means of subirrigation.

SEC. 2. That the secretary of state be directed to forward to the Secretary of the Interior of the United States, to the Vice President, and to the Speaker of the House of Representatives of the United States a copy of this resolution, and that a copy be also forwarded by the secretary of state to each Representative and Senator of the State of Kansas in the Congress of the United States.

I hereby certify that the above concurrent resolution originated in the house and passed that body January 23, 1917.

A. M. KEENE,
Speaker of the House.
CLARENCE W. MILLER,
Chief Clerk of the House.

Passed the senate January 25, 1917.

W. Y. MORGAN,
President of the Senate.
E. D. GEORGE,
Secretary of the Senate.

Approved January 30, 1917.

ARTHUR CAPPER,
Governor.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, urging the adoption of an amendment to the Constitution granting woman suffrage. I ask that it may be printed in the RECORD.

The joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 3, of the fifteenth session of the Legislature of the State of Washington, with the original copy of said memorial as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 30th day of January, A. D. 1917.

[SEAL.]

I. M. HOWELL,
Secretary of State.

Senate joint memorial No. 3.

To the President and the Congress of the United States:

We, the Senate and the House of Representatives of the State of Washington, memorialize your honorable body to submit to the States for ratification the amendment now pending granting to the women of the United States the elective franchise.

Passed the senate January 16, 1917.

LOUIS F. HART,
President of the Senate.

Passed the house January 25, 1917.

GUY E. KELLY,
Speaker of the House.

(Indorsed.)

STATE OF WASHINGTON, ss:

Filed in the office of secretary of state January 29, 1917, at 2.45 p. m.

I. M. HOWELL,
Secretary of State.

Mr. JONES. I have also a telegram here from Mr. J. W. Maxwell, of Seattle, Wash., pointing out reasons for the establishment of a thirteenth Federal reserve bank at Seattle. I ask that it may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the telegram was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., February 3, 1917.

Senator WESLEY L. JONES,
Washington, D. C.:

Your attention has no doubt been called to the disturbance among some of our banking institutions in Seattle and surrounding neighborhood. The clearing house association is of the opinion the matter is now entirely under control, as everything is normal. This, however, proves a contention which we have made since the passage of the Federal reserve act, and that is to the effect that Seattle, or rather the Pacific Northwest, is at too great a distance from any of the Federal reserve banks to do us any good in case of emergency. This assertion has proved itself without a question of doubt within the last week. While the Federal reserve officers at San Francisco were ready and willing to do everything they could, it was impossible to take advantage of anything on account of the distance. We have persistently requested that a branch be located in Seattle on account of the time it naturally takes to do business between Seattle and San Francisco. Reply to a letter written here can not be had for about five or six days. This would also be the same condition if Seattle was connected with the Federal reserve bank at Minneapolis. We fully realize that the reason a bank was not established in Seattle was for the fact that the capital necessary under the present act could not be obtained. While the business of this country may not be as voluminous as other parts, it does not seem right that we who contribute everything to the Federal reserve act that the banks do in other parts of the country should not have the quick protection which it affords in establishing the banks. Kansas City and St. Louis were each given one, and they are within a short distance of each other, while this part of the country is left entirely to itself. Is it not possible for Congress to amend the Federal reserve act creating another Federal reserve bank, which should be called No. 13, and the same located in Seattle? With the fast growing shipping interests and the needs of Alaska, as well as the business in the Pacific Northwest, the undersigned, who is president of the National City Bank of Seattle and chairman of the Clearing House Association, which handled the present financial difficulties, feels that it is proper to appeal to Congress for an amendment along the lines suggested above. Have telegraphed Senator JONES the same, and will suggest that you both take this up with our Congressmen and wire for any information that you may want.

J. W. MAXWELL.

Mr. NORRIS. I have here a resolution passed by the Senate of the Nebraska Legislature, memorializing Congress on the subject of the tax levied by the Federal Government on the manufacture and sale of liquor. I ask unanimous consent that the Secretary may read the resolution.

There being no objection, the resolution was read and ordered to lie on the table, as follows:

Resolution.

Whereas under existing Federal laws any person engaged in the manufacture or sale of malt, spirituous, or vinous liquors is required to pay a tax to the Federal Government; and

Whereas the Federal statute levying such tax is purely a revenue measure, and was enacted neither to encourage nor discourage the sale of such liquors, nor to embarrass or interfere with the police regulations of the several States in respect to such liquors; and

Whereas it is a matter of common knowledge that comparatively few violators of such police regulations take the hazard of engaging in the manufacture or sale of such liquors without payment of the tax levied by the Federal Government, and a knowledge of those who had paid such tax to the Federal Government would be of great value to those charged with the duty of enforcing our State police regulations in respect to such liquors: Therefore

Resolved—

I. That we respectfully memorialize Congress to amend said revenue law by adding thereto the requirement that the collectors of such revenue be required to mail the governors of the several States and Territories each month a list showing the name and address of each person in the respective States who has paid such tax for the then current fiscal year.

II. That a copy hereof be transmitted to our Senators and Representatives in Congress.

Mr. NORRIS. In connection with the memorial of the Senate of the Nebraska Legislature, which I have just presented, I desire to have printed in the RECORD section 3240 of the Revised Statutes as amended and approved June 21, 1906. To a great extent I think the request contained in the memorial has been complied with, inasmuch as the existing law provides, to a certain extent at least, for the thing asked for.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Public, No. 263.]

An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records.

Be it enacted, etc., That chapter 3 of the Revised Statutes of the United States be, and hereby is, amended in section 3240 so as to read:

"Sec. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality he shall furnish a certified copy thereof, as of a public record, for which a fee of \$1 for each 100 words or fraction thereof in the copy or copies so requested may be charged."

Approved June 21, 1906.

Mr. GALLINGER. I present a telegram, which I ask to have read and lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

NEW YORK CITY, N. Y., February 3, 1917.

Senator JACOB H. GALLINGER,
United States Senator, Washington, D. C.:

Hundreds of thousands of women who do not wish to vote or run the Government do pray that no war or threat of war action shall be taken by this country, and that the Senator representing us as well as our voting brothers and husbands shall hesitate to cause our country to enter into this horrible struggle as combatants. Justice and peace should be the ruling American principle.

EMMA J. BRAZIER.

Mr. THOMPSON. I present a concurrent resolution of the Legislature of the State of Kansas, now in session, urging the erection of an irrigation plant on the west line of the State of Kansas on the Cimarron River for the purpose of reclaiming the semiarid section of southwestern Kansas. I ask to have it printed in the RECORD.

The VICE PRESIDENT. Has it not already been ordered printed in the RECORD?

Mr. CURTIS. I will state to my colleague that it has already been presented by me and ordered printed in the RECORD.

Mr. THOMPSON. Very well; I withdraw the request.

Mr. TOWNSEND. I present a petition requesting the Congress and the President to keep the country out of the European war. I ask that it be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

This resolution of protest was adopted by citizens of Frankenhurst Township, Bay County, Mich., January 26, 1917:

To the President and Congress of the United States of America:

Whereas there is at present in various localities of our country a propaganda at work to create enmity against the central powers of Europe and their allies, with which countries the United States have always been at peace, and whose people or governments have never threatened the integrity, independence, or honor of the United States; and

Whereas said propaganda fostered by the pro-British press in the United States is making every endeavor to cause our Government to sever the friendly relations with Germany and her allies and to openly espouse the cause of the entente; and

Whereas neither the people nor the Government of the United States are in duty bound to pass judgment on the warring nations of Europe; and

Whereas the Government of the United States has not offered a protest against the unlawful blockade of German and neutral ports by the entente with the avowed intent to starve the whole nation; and

Whereas our Government has not protested against the embargo placed by England on Red Cross supplies intended for Germany, nor against the deportation of thousands of men, women, and children from East Prussia, Poland, and Galicia by Russia to Siberia, where those deported are left to starvation; and

Whereas our Government did not see fit to protest against the violation of Greece's neutrality, which country has been outrageously invaded and blockaded by the entente powers, intending to subject Greece to the wishes of the entente allies by a policy of starvation; and

Whereas we sincerely regret the conditions in Belgium, whose Government has permitted itself to be sovereignized by England and France long before the present war broke out, to espouse the cause of the entente, and whose people now, by reason of England's high-handed act regarding Belgium imports and exports, are brought to the verge of ruin; and

Whereas some people of the United States are furnishing a large portion of the means with which to carry on this war, and without which means England would have had to accept the hand of peace which Germany and her allies so generously offered to them: Therefore be it

Resolved, That we, as loyal citizens of our country, most respectfully but earnestly request our President and Congress to do all in their power to keep the United States from getting embroiled in the European war. We ask, furthermore, that the President and Congress not give ear to the reports of alleged "barbarisms" pretendedly committed by Germany in deporting laboring men of Belgium to Germany that they may earn an honest living by work, which, due to England's restrictions on Belgium's trade was made impossible by them at home, this report of barbarisms of the Germans being merely a pretext to further the ends of those that circulate them. And, finally, that we ask our Government to warn all Americans not to travel or take passage on armed merchantmen of the warring nations, nor on ships carrying munitions for them, as the travel on such ships could produce the only possible excuse for the United States to enter into the present European war on the side of the entente allies.

Most respectfully,

ANDREW WEISS, President,
W. H. LOHRMANN, Secretary,
Frankenhurst Citizens' League.

Mr. WADSWORTH. I ask to have printed in the RECORD a telegram which I have received from representatives of various German and Austro-Hungarian organizations, societies, and fraternities representing a total membership aggregating 100,000. Their representatives met in the city of New York and took what I believe to be very significant action.

The VICE PRESIDENT. Does the Senator desire to have it printed in the RECORD without reading?

Mr. WADSWORTH. I would prefer to have the Secretary read it.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

Hon. JAMES WADSWORTH,
United States Senate, Washington, D. C.

DEAR SENATOR: In the name of over 500 representatives of various German and Austro-Hungarian organizations, societies, and fraternities, with a membership of more than 100,000, and now assembled at Arion Hall, New York City, having sworn unqualified loyalty and allegiance to this country and its President, pray and beg of you to make every effort to preserve peace.

Most sincerely,

Ludwig Nissen, Henry Weissman, Rev. Dr. Carl Popke, Dr. Gustav Scholer, Dr. A. Von Grimm, Dr. Emanuel Baruch, Christ Rebhan, Albert Zapfe, Dr. Louis Haupt, Louis Brass, Dr. C. C. Lienbarth, Henry Paris, Jno. Reynolds, Chas. Sanger, H. Holzhauser, B. Kleinschmidt, Dr. G. Rodemann, Joseph Peter, Julius Koechig, Frank J. Fuchs, Otto Will, Henry Arrah, Conrad Moeller, W. Sailer, L. Abgdschein, Jno. F. Becker, Otto C. H. Madag, Theo. Dietrich, H. W. Dittinger, H. F. Stange, Richard M. Schmidt, John G. Roth, Rudolph Cronau, Herm V. Letkeman, Oscar Weigel, Heinrich Abeles, Hermann Koch, Martin Brockmann, F. A. Schurmann, Ignatz Neymayer, Morris Cukor, Dr. Edw. Pollak, Mrs. L. Brass, Mrs. Albert Zapfe, Mrs. A. Blum, Mrs. A. Burger, Mrs. L. Speitel, Mrs. Dorwald, Mrs. K. Martensen, Mrs. P. Hovemann, Mrs. K. Mosson, Mrs. M. Richter, Mrs. Anna Wedemayer, Mrs. Ferd Knabe, Mrs. C. Harnischger, Mrs. E. J. Dornhoeher, Mrs. M. Michels, Mrs. H. Herr, Mrs. E. Steinen, Mrs. H. Weismann, Mrs. H. Abeles, Mrs. Helene Loibl, Mrs. Martin Brockmann, Mrs. D. Culk, Mrs. R. M. Schmidt, Mrs. Theod. Dietrich, and others.

Mr. GRONNA. I have a telegram from Harry Cutler, chairman of the commission on immigration, relative to the President's veto of the immigration bill, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

BUFFALO, N. Y., February 4, 1917.

Hon. A. J. GRONNA,
2219 California Street, Washington, D. C.:

The delegates of district No. 1, Independent Order B'nai B'rith, in convention assembled earnestly urge you to sustain the President's veto of the Burnett immigration bill. It is not a test of character, and is un-American. While it bars many desirable immigrants, it does not prevent the admission of undesirables.

HARRY CUTLER,
Chairman Commission on Immigration.

Mr. GRONNA. I present a telegram from the Pioneer Life Insurance Co. of North Dakota, which I ask may be printed in the RECORD unless it has been offered by my colleague this morning.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

FARGO, D. AK., February 3, 1917.

Hon. ASLE J. GRONNA,
United States Senate, Washington, D. C.:

Proposed Federal emergency revenue measure, if it applies to life insurance companies, will lay an unfair tax on the thrift of over 30,000,000 policyholders of this country, whose policies are already too heavily taxed. They are already more heavily taxed than the policies of war-ridden England, France, and Germany, where, in spite of the terrible need of money for the Government, the fact is recognized that men should be encouraged to insure their lives, and thus at death have the Commonwealth relieved of the burdens of caring for the families. Every penny of taxes levied on life insurance companies is paid by policyholders in increased cost of protection. We hope you will use your influence to have life insurance companies excepted from the provision of this proposed law.

THE PIONEER LIFE INSURANCE CO. OF NORTH DAKOTA.

Mr. CHILTON. I desire to have printed in the RECORD, without reading, a telegram in the nature of a petition.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

CHARLESTON, W. VA., February 3, 1917.

Hon. W. E. CHILTON,
Washington, D. C.:

The Johnston Bird Club at its last meeting unanimously adopted a resolution asking you to support Senate bill No. 7858, known as the migratory-bird treaty act. We are doing all we can to protect bird life in this State.

ROBERT LEE SELL,
President.

Mr. CHILTON. I have received a telegram from Harry Cutler, chairman of the commission on immigration, urging support of the President's veto of the Burnett immigration bill, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

BUFFALO, N. Y., February 4, 1917.

Hon. WILLIAM E. CHILTON,
United States Senate, Washington, D. C.:

The delegates of district No. 1, Independent Order B'nai B'rith, in convention assembled, earnestly urge you to sustain the President's

veto of the Burnett immigration bill. It is not a test of character and is un-American. While it bars many desirable immigrants, it does not prevent the admission of undesirables.

HARRY CUTLER,
Chairman Commission on Immigration.

Mr. CHAMBERLAIN. I desire to present three separate joint memorials addressed to the Congress of the United States by the Legislative Assembly of the State of Oregon, and I ask that they be printed in the RECORD.

The joint memorials were ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint memorial 11.

Memorial to the Congress of the United States of America:

Whereas there is now pending in the Congress of the United States legislation designed to encourage the development of the water-power resources of the Nation; and

Whereas the State of Oregon and other Western States are blessed with bountiful natural resources, largely undeveloped, among which is water power; and

Whereas, although water power in said States is available in abundance, only a very small percentage has been developed; and

Whereas numerous water-power sites of large commercial possibilities are located in the public domain or in navigable streams; and

Whereas existing Federal laws and regulations are so inadequate and restrictive that development of water power in the public domain and in navigable streams has practically ceased; and

Whereas electrical power at a cost to justify its use in the conversion of our natural resources into finished, marketable products, in the reclamation of lands at present unproductive, and in the transformation of the motive power of rail transportation is wholly dependent upon the economical production of power on a large scale; and

Whereas the essence of conservation is intelligent and economical utilization of natural resources to serve the economic necessities and desires of our people, and to conserve those natural resources that are exhaustible; and

Whereas the use of exhaustible resources of power and fuel where and when such an inexhaustible resource as water power can be used results in economic waste, which is indefensible when it can be avoided; and

Whereas since legislation necessary to encourage development of water power has been a constant subject of study, investigation, and discussion for years, it is the judgment of your memorialists that the time is at hand for action: Therefore be it

Resolved, That the Legislature of the State of Oregon, in twenty-ninth session assembled, respectfully urges upon the Congress of the United States the absolute and urgent necessity of the development of water power in order that natural resources may be utilized to create new wealth by the settlement of lands, the development of agriculture, the establishment of manufactures of varied nature, and the economy and comfort of rail facilities of transportation may be enhanced, the means of transportation enlarged and made cheaper and traffic congestion relieved by opening to navigation waterways incapable of use because of natural obstructions removable by water-power development in navigable streams, and adequate national defense may be aided, all of which will contribute to the increase and diversification of agriculture, commerce, and industry, and as a consequence promote economic security; and respectfully petitions that Congress at its present session enact legislation that will encourage investment in the development of these resources, consistent with adequate guaranties for the protection and safeguard of the public interest; and be it further

Resolved, That we, your memorialists, however, do not indorse any particular bill now pending before the Congress of the United States; and be it further

Resolved, That our Senators and Representatives in Congress be requested to make every effort to carry out the purposes of the foregoing memorial: And be it further

Resolved, That a copy of this memorial, duly signed by the president of the senate and the speaker of the house and attested by the chief clerks of the two houses, be forthwith forwarded to each of Oregon's Senators and Representatives in Congress.

Concurred in by the house January 25, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate January 23, 1917.

GUS C. MOSER,
President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. COCHRAN, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 11, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.
STATE OF OREGON,
HOUSE OF REPRESENTATIVES.

I, W. F. DRAGER, chief clerk of the House of Representatives of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 11, Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

W. F. DRAGER,
Chief Clerk House,
Twenty-ninth Legislative Assembly of the State of Oregon.

Senate joint memorial 13.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas a large portion of the State of Oregon is infested with coyotes and other predatory animals and the said predatory animals at all times destroy property of the citizens of Oregon and destroy the wild game and the birds of the State of Oregon; and

Whereas at this time the said animals are affected with rabies and on this account are unusually dangerous and are spreading rabies and by this means causing death among the live stock of all kinds and at times menacing life of the citizens of the State of Oregon and of other Western States; and

Whereas the Biological Survey of the United States Department of Agriculture has been aiding the citizens of the State of Oregon and other Western States in the eradication of rabies and in extermination of predatory animals referred to and have been very successful in the campaign which they have organized, and are able to carry out the said campaign more effectually than the several States have been able to do; and

Whereas the State of Oregon is financially unable to carry on this program for the eradication of rabies in an adequate manner and it is essential that the Biological Survey continue its investigation and efforts in order that the said predatory animals may be exterminated and the money already expended may not be wholly lost: Therefore be it

Resolved by the Senate of Oregon (the House of Representatives concurring). That the Congress of the United States be, and it is hereby memorialized to appropriate at an early date, by special appropriation, adequate funds for the use of the Bureau of Biological Survey of the United States Department of Agriculture in its campaign to prevent the spread of rabies and to eradicate rabies and exterminate wild predatory animals; be it further

Resolved. That after concurrence of the house of representatives herein the chief clerk of the senate shall transmit copies of this memorial to the Senators and Representatives in Congress from the State of Oregon and to the Secretary of Agriculture of the United States.

Concurred in by the house January 25, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate January 23, 1917.

GUS C. MOSER,
President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 13. Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof. In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Senate joint memorial 12.

Whereas 12 States of the Union, among which is Oregon, by constitutional amendment or legislative enactments have extended the right of suffrage to women; and

Whereas in those States where such privilege has been exercised it has brought about great improvement in the moral welfare and economic conditions throughout said States; and

Whereas there is now pending in the Congress of the United States a measure known as the Susan B. Anthony amendment to the Constitution of the United States, the purpose of which measure is to propose an amendment to the Constitution of the United States extending and giving throughout the United States the right of suffrage to women: Therefore be it

Resolved by the senate (the house of representatives concurring). That the Congress of the United States be, and it is hereby memorialized to take favorable action on said proposed measure; be it further

Resolved. That after the concurrence of the house of representatives herein the chief clerk of the senate be, and he hereby is, instructed to transmit copies of this memorial to the Members of the Oregon delegation in Congress.

Concurred in by the house January 25, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate January 23, 1917.

GUS C. MOSER,
President of the Senate.

STATE OF OREGON, SENATE CHAMBER.

I, J. W. Cochran, chief clerk of the Senate of the Twenty-ninth Legislative Assembly of the State of Oregon, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 12. Twenty-ninth Legislative Assembly, State of Oregon, with the original thereof as adopted by the senate January 23, 1917, and concurred in by the house January 25, 1917, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In witness whereof I have hereunto set my hand this 29th day of January, 1917.

J. W. COCHRAN,
Chief Clerk Senate,
Twenty-ninth Legislative Assembly of the State of Oregon.

Mr. PHELAN presented a petition of the California Associated Societies for the Conservation of Wild Life, of Berkeley, Cal., praying for the protection of migratory birds and for the establishment of bird sanctuaries, which was ordered to lie on the table.

He also presented a petition of Ketterlin Bros., of Santa Rosa, Cal., praying for the enactment of legislation to establish 1-cent drop-letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented a telegram in the nature of a petition from the Bible class of the First Presbyterian Church, of Wilkes-Barre, Pa., praying for national prohibition during the period of hostilities should war be declared against Germany, which was ordered to lie on the table.

Mr. KENYON presented petitions of the congregation of the First Congregational Church of Cedar Rapids, the Congregational Church of Edgewood, and of sundry citizens of Blairsburg, all in the State of Iowa, praying for national prohibition, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Sioux City and Hamburg, in the State of Iowa, remonstrating against any change in the second-class postal rates, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Trades and Labor Assembly of Des Moines, Iowa, praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Des Moines (Iowa) Branch of the National Association of Letter Carriers, praying for an increase in the salaries of postal clerks, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN. Mr. President, several commercial organizations in the country have recently passed resolutions protesting against the passage of the bill providing for a tax on excess earnings of corporations. I have received a few protests from corporations in my State against the enactment of that legislation, but this morning I have a letter from the manager of the Liberty Light & Power Co., of Richmond, Ind., a corporation with extensive interests in my State, which breathes such a patriotic spirit that I desire to have it read, in order that it may appear in the RECORD.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the letter, as follows:

RICHMOND, IND., January 31, 1917.

HON. JOHN W. KERN,
United States Senator.

DEAR SIR: Referring to the House bill to place a tax of 8 per cent on all excess earnings of \$5,000 or more, our company is in the class that would come under this tax, and we wish to inform you that we will gladly do our part. Indiana is willing to pay her share.

With best regards, we remain,

THE LIBERTY LIGHT & POWER CO.,
R. S. ASHE, President.

REPORTS OF COMMITTEES.

Mr. JOHNSON of Maine, from the Committee on Pensions, submitted a report (No. 1007) accompanied by a bill (S. 8120) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills, heretofore referred to that committee:

- S. 1919. William W. Cook.
- S. 1933. Charles Milk.
- S. 2566. William R. Dority.
- S. 2607. Joseph P. Sullivan.
- S. 2861. William H. Merritt.
- S. 2922. William C. Worthen.
- S. 3158. John T. Edson.
- S. 3163. Celestine Lacy.
- S. 3192. Homer T. Barnett.
- S. 3232. Bessie D. Blu.
- S. 3719. Maurice H. Myers.
- S. 4018. Robert H. Cowan.
- S. 4057. Peter Downey.
- S. 4077. Charles H. Craddock.
- S. 4078. Herman L. Shank.
- S. 4110. Clarence A. Hunt.
- S. 4135. Guss E. Gurtz.
- S. 4186. Arthur Leland.
- S. 4187. William H. Jones.
- S. 4264. Victor F. Marshall.
- S. 4314. Joseph O. Dennison.
- S. 4320. Thomas R. Peak.
- S. 4391. Edwin C. Gasque.
- S. 4423. Vernon D. Bennitt.
- S. 4475. Horace M. Patton.
- S. 4529. Robert J. May.

S. 4530. Arthur Isert.
 S. 4535. Elsie M. Duryee.
 S. 4596. Francis M. Moore.
 S. 4638. Charles F. Johnson.
 S. 4754. Lucius V. Hubbard.
 S. 4845. George L. Aldrich.
 S. 4898. Albert G. Daugherty.
 S. 5023. Nanette W. Sheffield.
 S. 5087. Andrew E. Waterman.
 S. 5167. Lewis W. Hill.
 S. 5214. Milton T. Benham.
 S. 5248. Robert O. Dunn.
 S. 5265. George W. Smith.
 S. 5303. Gordon Hinton.
 S. 5365. J. Augustus Thilman.
 S. 5405. Francis Roy.
 S. 5431. Frank G. Schutt, jr.
 S. 5510. James Cunningham.
 S. 5627. Robert M. Watkins.
 S. 5628. Stephen H. Whitman.
 S. 5631. Adelbert R. Burke.
 S. 5791. Mary R. Edwards.
 S. 5844. Wilbur C. Gahret.
 S. 5846. James G. Rollins.
 S. 5862. Frank W. Brown.
 S. 5930. Walter H. Sterling.
 S. 5935. Walter P. Norris.
 S. 5939. Edmond de Jarnac.
 S. 5951. Charles H. Kelley.
 S. 6004. Frank H. Latham.
 S. 6008. Charles William Finley.
 S. 6070. Florence V. Handbury.
 S. 6207. Mary Jane Bowman.
 S. 6233. Durbin L. Badley.
 S. 6276. Mary Battle.
 S. 6280. Mary H. Trimble.
 S. 6319. James Pickett.
 S. 6323. Ander J. Heatley.
 S. 6333. Robert Starkey.
 S. 6346. Alice Hathaway.
 S. 6417. George J. Ham.
 S. 6425. Riddle Wilson.
 S. 6473. Charles M. Way.
 S. 6488. John Safranek.
 S. 6531. Walter K. Neal.
 S. 6553. Robert W. Irvine.
 S. 6605. Eugenia L. Williams.
 S. 6649. Mary B. Orner.
 S. 6674. John W. McCown.
 S. 6719. Henry Ferguson.
 S. 6735. Elizabeth Bellion.
 S. 6770. Arthur H. King.
 S. 6777. Charles H. Bachelder.
 S. 6803. John W. Thomas.
 S. 6866. Fred D. Abbott.
 S. 6877. Mary T. Seay.
 S. 6897. Daniel I. Jelnei.
 S. 6912. Albert S. Clouse.
 S. 6941. Frank J. Conway.
 S. 6958. Leonard P. Kehrmeier.
 S. 6994. Thomas B. Jeffries.
 S. 7009. Bertha C. Pratt.
 S. 7011. Harry C. Chute.
 S. 7043. Emma E. Normoyle.
 S. 7085. Milton M. Lile.
 S. 7109. Anna B. Davis.
 S. 7141. Flora G. Redman.
 S. 7143. Elizabeth J. Anderson.
 S. 7163. Maude Deignan.
 S. 7183. Perry Ryals.
 S. 7230. Bertha M. Shaw.
 S. 7238. Charles A. Dobratz.
 S. 7268. Annie A. Haines.
 S. 7339. Emory C. Powers.
 S. 7479. Lavina A. E. Rogers.
 S. 7515. Letta D. Webster.
 S. 7656. Mary Renfroe.
 S. 7790. Emma E. Barrett.
 S. 7932. Martha P. Johnson.
 S. 8017. William H. Van Name.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 10697) for the relief of S. Spencer Carr, reported it without amendment and submitted a report (No. 1008) thereon.

GRANTING OF INAUGURAL PERMITS (S. REPT. 1009).

Mr. SMITH of Maryland. From the Committee on the District of Columbia I report back favorably without amendment the joint resolution (H. J. Res. 358) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect in March, 1917, and so forth, and I ask for its immediate consideration.

Mr. GALLINGER and Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution was read, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFEDERATE VETERANS' REUNION.

Mr. SMITH of Maryland. From the Committee on Appropriations I report back favorably without amendment the joint resolution (S. J. Res. 157) giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the reunion of the Confederate Veterans' Association, to be held in the District of Columbia in the year 1917, and for other purposes incident to said encampment, and I ask for its present consideration.

Mr. GALLINGER. Let the joint resolution be reported.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to make such special regulations for the occasion of the reunion of the Confederate Veterans' Association, which will take place in the District of Columbia in the year 1917, as they shall deem advisable for the preservation of public order and the protection of life and property, to be in force one week prior to said encampment, during said encampment, and one week subsequent thereto. Such special regulations shall be published in one or more of the daily newspapers of the District of Columbia, and no penalty prescribed for the violation of such regulations shall be enforced until five days after such publication; and said commissioners are authorized and directed to establish a special schedule of fares applicable to public conveyances in said District during the period aforesaid. Any person violating any of the aforesaid regulations or the aforesaid schedule of fares shall, upon conviction thereof in the police court of the said District, be liable for such offense to a fine not to exceed \$100, and in default of payment of such fine imprisonment in the workhouse or jail of said District for not longer than 60 days. This resolution shall take effect immediately upon its approval, and the sum of \$11,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated, and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to carry out the provisions of section 1 of this joint resolution, \$1,000 of which shall be available for the construction, maintenance, and operation of public-comfort stations and information booths, under the direction of said commissioners.

Sec. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the entertainment of the Confederate Veterans' Association to stretch suitable conductors, with sufficient supports wherever necessary, for the purpose of effecting the said illumination within the District of Columbia; *Provided*, That the said conductors shall not be used for the conveying of electrical currents more than three days after the close of said reunion, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before 10 days after said reunion; *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized; *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia; *And provided further*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia that the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation.

Sec. 3. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets of the city of Washington, D. C., on the occasion of the reunion of the Confederate Veterans' Association, 1917, such of the United States ensigns, flags (except battle flags), signal numbers, etc., belonging to the Government of the United States as in their judgment may be spared and are not in use by the Government at the time of the reunion. The loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place more than 10 days prior to said reunion and shall be returned by him within 10 days from the close of the reunion.

Sec. 4. That for the protection and return of said ensigns, flags, signal numbers, etc., the said chairman, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may designate, a satisfactory bond in the penalty of \$50,000 to secure just payment for any loss or damage to said ensigns, flags, and signal numbers not necessarily incident to the use specified.

Sec. 5. That the Secretary of War is hereby authorized to grant permits to the citizens' executive committee for the entertainment of the Confederate veterans' reunion for the use of any reservation or other public spaces in the city of Washington on the occasion of said reunion which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statutory therein; and the Commissioners of the District of Columbia may designate for

such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands and platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said citizens' executive committee and in accordance with plans and designs to be approved by the Superintendent of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

SEC. 6. That the Secretary of War is hereby authorized to loan to the chairman of the medical department of the citizens' executive committee for said reunion, or his successor in said office, for the purpose of caring for the sick, injured, and infirm on the occasion of said reunion, such hospital tents and camp appliances and other necessities, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the encampment: *Provided*, That the said chairman, or his successor in said office, shall indemnify the War Department for any loss to such hospital tents and appliances as aforesaid not necessarily incident to such use.

Mr. GALLINGER. Mr. President, I observe that in that joint resolution the very proper provision is incorporated that the charges for transportation shall be fixed by schedule by the Commissioners of the District of Columbia, as I remember it. I will suggest to the Senator from Maryland [Mr. SMITH], who is taking great interest in the presidential inaugural ceremonies as well as in the pending matter, that I hope in some resolution or bill some authority will be given to some one in the District of Columbia to fix the charges for transportation during the inaugural ceremonies, because I know from knowledge that on some former occasions there have been most exorbitant and outrageous charges imposed upon the people who have come to Washington to attend the inauguration. I think it would be a very commendable thing to provide some such restriction.

Mr. SMITH of Maryland. I think it is a very good suggestion which the Senator from New Hampshire makes, and the probabilities are that there will be some such regulation made.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMITH of Maryland subsequently said: For the information of the Senator from New Hampshire and others, I wish to say that the fixing of fares for public conveyances at the inaugural ceremonies was included in the joint resolution I introduced, and which was reported by me and passed a few days ago, providing for the maintenance of public order and the protection of life and property in connection with the inaugural ceremonies. It was not necessary to have it appear in the joint resolution to-day, as it had already been incorporated.

DOCUMENTS RELATIVE TO GEN. WASHINGTON.

Mr. WILLIAMS. From the Committee on the Library I report back favorably without amendment Senate resolution 297, transferring certain papers relating to the death of Gen. Washington from the files of the Senate to the custody of the Librarian of Congress, and I ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to transfer to the custody of the Librarian of Congress the following documents, which are now in the files of the Senate, namely:

The message of President John Adams, December 19, 1799;
Letter of Tobias Lear to the President, December 15, 1799;
Address of the Senate to the President, December 23, 1799, and the answer of the President, December 23, 1799;
Address of the House to the President, and his answer, December 19, 1799;

Message of the President, January 8, 1800; and
A letter of Martha Washington to the President, December 31, 1799;
All pertaining to the death of Gen. Washington.

PORTRAIT OF JOSEPH HENRY.

Mr. WILLIAMS. From the Committee on the Library I report back favorably without amendment Senate resolution 334, authorizing the Sergeant at Arms of the Senate to transfer the portrait of Joseph Henry from the office of the Sergeant at Arms to the Smithsonian Institution, and I ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized and directed to transfer to the Smithsonian Institution the portrait of Joseph Henry, the first Secretary of that Institution, now hanging in the office of the Sergeant at Arms of the Senate.

DAUGHTERS OF 1812.

Mr. WILLIAMS. From the Committee on the Library I report back favorably without amendment the joint resolution (H. J. Res. 230) authorizing the National Society, United States Daughters of 1812, to file its historical material in the

Smithsonian Institution and to make annual reports to the secretary thereof, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. I ask unanimous consent that House bill 9533, to provide a civil government for Porto Rico, and for other purposes, be made the special order for to-night at 8 o'clock.

Mr. GALLINGER. Let the morning business first be completed. I have been waiting for some time.

Mr. SHAFROTH. Very well.

PUBLIC BUILDING AT STAMFORD, CONN.

Mr. MARTINE of New Jersey. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 8062) to provide for the purchase of additional land for the enlargement of the site of the public building at Stamford, Conn., and I ask unanimous consent for its immediate consideration. I call the attention of the Senator from Connecticut [Mr. BRANDEGEE] to the report.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which was read, as follows:

Be it enacted, etc., That not exceeding \$5,000 of the unexpended balance of appropriation heretofore made for the acquisition of a site and the erection of a post-office building at Stamford, Conn., be, and the same is hereby, made available for the acquisition by purchase, condemnation, or otherwise, of such land as the Secretary of the Treasury may deem necessary for the enlargement of said site so as to provide better accommodations for the transaction of the postal business.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. Mr. President, I ask permission at this point to have inserted in the RECORD a letter received from the Secretary of the Treasury in relation to the matter.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

TREASURY DEPARTMENT,
Washington, January 26, 1917.

HON. FRANK B. BRANDEGEE,
United States Senate.

MY DEAR SENATOR: An informal message from the Post Office Department to-day stated that you had inquired whether that department would take the initiative in obtaining an authorization from Congress for the enlargement of the Federal building site at Stamford, Conn., and that that department had stated it was a matter for the Treasury Department's attention.

The custodian of the Federal building had already brought to this department's attention the necessity for additional land, and the Comptroller of the Treasury had been asked whether existing legislation would permit the enlargement of the site. The comptroller has just decided that additional legislation is necessary to authorize the department to buy more land, notwithstanding there remains of the limit of cost for said building sufficient money to pay for such enlargement if authorized.

From the representations of the custodian it is apparent that more land should be acquired to provide properly for the transaction of the postal business. This department, therefore, would be gratified if you would undertake to obtain the required legislative authority. A draft of what would probably be sufficient is inclosed.

Respectfully,

B. R. NEWTON,
Assistant Secretary.

TREASURY DEPARTMENT,
Washington, January 30, 1917.

HON. FRANK B. BRANDEGEE,
United States Senate.

MY DEAR SENATOR: Receipt is acknowledged, by reference from the Post Office Department, of certain correspondence had with you relative to the matter of the acquisition of additional land adjacent to the Federal building site at Stamford, Conn.

A draft of bill providing for the above was forwarded to you by this department the 26th instant, together with the views of the department regarding this matter.

The correspondence is returned herewith as requested.

Very truly, yours,

B. R. NEWTON,
Assistant Secretary.

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, January 26, 1917.

HON. FRANK B. BRANDEGEE,
United States Senate.

MY DEAR SENATOR: I am to-day in receipt of the papers forwarded to this bureau by you relative to the advisability of acquiring additional land adjacent to the Federal building at Stamford, Conn. As this matter is under the jurisdiction of the Treasury Department, I

have taken the liberty of forwarding them to that department, with the request that they be returned to you after they have served their purpose.

The postmaster has been called upon for a full report regarding the project, and when it is received an appropriate recommendation will be submitted to the Treasury Department.

Very truly, yours,

J. C. KOONS,
First Assistant Postmaster General.

Be it enacted, etc., That not exceeding \$5,000 of the unexpended balance of appropriations heretofore made for the acquisition of a site and the erection of a post-office building at Stamford, Conn., be, and the same is hereby, made available for the acquisition, by purchase, condemnation, or otherwise, of such land as the Secretary of the Treasury may deem necessary for the enlargement of said site so as to provide better accommodations for the transaction of the postal business.

BATTLE FIELD OF GUILFORD COURTHOUSE.

Mr. DU PONT. From the Committee on Military Affairs I report back favorably with amendments the bill (H. R. 8229) to establish a national military park on the battle field of Guilford Courthouse. I ask unanimous consent for the present consideration of the bill.

Mr. OVERMAN. Mr. President, I hope unanimous consent will be given. The committee has stricken out the appropriation. The battle field of Guilford Courthouse, of course, is historic ground. The bill passed the House unanimously after a speech had been made by "Uncle Joe" CANNON, who was born near this battle ground. It is one of the most historic spots in America. Some 40 or 50 patriotic citizens of North Carolina have established this park at their own expense, built roads, and beautified it. There are many monuments there now, and all that is asked is that the Government take over the park and protect it. I hope there will be no objection to the immediate consideration of the bill.

Mr. WADSWORTH. Do I understand that the Senator from North Carolina asks unanimous consent for the immediate consideration of the bill?

Mr. DU PONT. I have asked unanimous consent.

Mr. OVERMAN. The bill comes with a unanimous report from the committee.

Mr. WADSWORTH. Let me ask the Senator whether it has been the policy of the Government to take over such battle fields generally?

Mr. OVERMAN. The Government has taken over some. The Gettysburg battle field has been taken over, and there are many others which also have been taken over, but whether the Government has taken over battle grounds generally I do not know. The Battle of Guilford Courthouse is historic and is recognized now as having been the turning point in the Revolutionary War. As I have stated, a number of patriotic citizens of North Carolina have made a park of this place. It only embraces 125 acres of ground, and a number of monuments are already erected there.

Mr. DU PONT. Mr. President, I desire to say to the Senator from New York that Congress has already appropriated a handsome sum for an equestrian statue of Gen. Greene, which has been erected on the battle field at Guilford Courthouse. This battle field is of special importance and interest, as it was the scene of some of the hardest fighting during the Revolutionary War. I think it would be a highly proper thing to pass this bill. It only provides for putting the ground under the care of the Secretary of War and allowing him to take charge of it. There is no appropriation attached to the bill as amended by the Senate Military Committee.

Mr. WADSWORTH. Mr. President, I know it is not a pleasant thing to call attention to a bill of this sort in a hostile manner. I realize, of course, the tremendous importance of the contest that occurred upon this ground, and I for one appreciate the generosity of the people of that community who have purchased the land and now offer it to the Government free of charge.

Mr. OVERMAN. Mr. President, I want to inform the Senator that this tract was purchased about 30 years ago. They have furnished the money for it, built roads through it, beautified it, and there are now a large number of monuments there. Among them are two monuments which the Government erected—a beautiful monument to Gen. Greene and a monument to Gen. Nash, who was killed at Germantown, with which the Senator is very familiar. The Government has an interest in it, and all we want to do is for the Government to have a caretaker there to look after it. There is scarcely any money at all involved in it. It is only 125 acres of land; and, as I say, the Government already has this great monument there to Gen. Greene, one of the most beautiful monuments in the country; also one to Gen. Nash and one to Gen. Davidson, who fell at Cowans Ford. I think the Government has such an interest in the battle field that it ought to

take it over, and I hope the Senator will not object to the consideration of the bill.

Mr. WADSWORTH. Do I understand that these monuments are already erected?

Mr. OVERMAN. Yes; they are already erected and paid for. Mr. WADSWORTH. Are the monuments now in the care of the Federal Government?

Mr. OVERMAN. No; they are not. That is what I think we ought to do—have a caretaker there to look after them and superintend the grounds. There is no appropriation asked for in this bill.

Mr. WADSWORTH. Of course that will appear later.

Mr. OVERMAN. I suppose that is provided for now in the general fund for the maintenance of parks, and so forth. It does not require an appropriation. It may require an appropriation of \$1,000 or \$2,000, or something like that, I do not know; but this bill does not provide for any, because the Secretary of War has informed the committee that he can take it over. These great monuments there, as I say, to Gen. Greene and Gen. Nash, ought to be cared for by this great Government. We have spent the money there; the monuments are all finished, and have been unveiled and dedicated.

Mr. WADSWORTH. Mr. President, in view of the fact that the Federal Government has already assisted in the erection of monuments upon this battle field, and as I understand the Senator from North Carolina to say that they are now in charge of the Federal Government, I shall not press the objection at this time to the proposition that the Government shall take over the battle field; but I do desire to call the attention of the Senator from North Carolina and other Senators who may be interested—

Mr. OVERMAN. I do not want to say that the Federal Government now has charge of them. The Senator misunderstood me. I said that the Federal Government has erected the monuments I mentioned, and a few patriotic gentlemen have charge of this tract now, and they want to dedicate it to the Government. Besides these monuments there are various private ones. It is a great place for having Fourth of July and other patriotic celebrations. I think the Federal Government is interested in it.

Mr. GALLINGER. Mr. President, if the Senator from New York will permit me, I will ask the Senator from North Carolina if all these monuments were authorized and paid for by the General Government?

Mr. OVERMAN. Not one of them, except, as I have stated, those to Gens. Greene, Nash, and Davidson. All others were paid for at private expense.

Mr. GALLINGER. So that if some of us who think that Stark's monument ought to be on every battle field of the Revolution should take a notion to have his monument there, we would have an opportunity?

Mr. OVERMAN. I should like to see a monument there to the great man from Delaware who was the hero of that great battle; and from Rhode Island there was Gen. Greene, and others from Virginia and Maryland did some great work there. I should like to see some monuments erected there by other States; but we are not asking for that at present.

Mr. DU PONT. Mr. President, I will say to the Senator from New York that the people of Delaware are very deeply interested in this battle field.

Mr. WADSWORTH. I yield to the Senator from Delaware.

Mr. DU PONT. In the Revolutionary War the Continental troops from the State of Delaware immortalized themselves on that battle field.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. WADSWORTH. Mr. President, before withdrawing the objection, I simply desire to call the attention of Senators who are interested in this matter to the fact that it will be found, as years go by, that there are many, many battle fields all over the United States which will suddenly acquire tremendous importance, and an effort will be made, very naturally, and perhaps very properly, to have the Federal Government take them over.

My attention has been called to this prospect very recently by reason of the fact that there are at least two very large and important communities in the State of New York who purpose requesting the Federal Government to take over battle fields. One is the battle field of Oriskany, on the Mohawk River, at which there was fought during the War of the Revolution a contest certainly of equal importance with that fought at Guilford Courthouse, and probably more so. Another project has been brought to my attention for the Federal Government to take over a battle field near the city of Elmira, in the southern portion of the State of New York; and I have no doubt that if the Federal

Government once embarks upon the policy of taking over battle fields upon which it is alleged that contests of great and far-reaching importance were waged, there will be no end to it.

I am in complete sympathy, of course, with the generous purpose expressed by the Senator from North Carolina and the people of that community who have done so much to erect permanent memorials upon that particular battle field; but I want to call the attention of the Senate to the fact that propositions of this sort are not exactly in the same class as that involved at Gettysburg or at Chattanooga, which were made great national cemeteries and around which have grown up great memorials of a strictly national character.

In view of the fact that, as the Senator from North Carolina says, the Federal Government has already erected one monument upon this particular battle field, I shall not press an objection at this time to this bill. I shall, however, upon the general policy of acquiring battle fields, insist that the Senate understand the prospect.

Mr. POMERENE. Mr. President, in view of the suggestions made by other Senators, I desire also to remind the Senate that there are a number of battle fields in Ohio in which patriotic societies are interested. I am referring to the battles with the Indians; but that was not what I rose to speak about. At the present time there is no suitable monument erected to the memory of the first President Harrison. I have a bill for this purpose pending now before the Senate, and at the proper time I hope to ask for a suitable appropriation to erect a monument to his memory. If these matters are to be taken up at this particular time or in the near future, I hope that we shall not forget the first President Harrison.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which has been reported from the Committee on Military Affairs, with amendments.

The first amendment was, on page 5, after line 5, to strike out sections 4 and 5, as follows:

SEC. 4. That the affairs of the Guilford Courthouse National Military Park shall, subject to the supervision and direction of the Secretary of War, be in charge of three commissioners, to be appointed by him, one of whom shall be a resident of Guilford County, State of North Carolina; such resident commissioner shall be chairman of the board so appointed and shall also act as secretary of the commission. Said commissioners shall have an office in the city of Greensboro, State of North Carolina, and shall be paid such compensation as the Secretary of War shall deem reasonable and just, not to exceed, however, \$2,000 per annum for the resident commissioner and \$500 each per annum for the nonresident commissioners.

SEC. 5. That it shall be the duty of the commission named in the preceding section, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the said commission in establishing this military park shall also have authority, under the direction of the Secretary of War, to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

The amendment was agreed to.

The next amendment was, on page 6, after line 9, to insert as a new section the following:

SEC. 4. That the affairs of the Guilford Courthouse National Military Park shall be subject to the supervision and direction of the Secretary of War, and it shall be the duty of the War Department, under the direction of the Secretary of War, to open or repair such roads as may be necessary to the purposes of the park and to ascertain and mark with historical tablets or otherwise, as the Secretary of War may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the Secretary of War, in establishing this military park, is authorized to employ such labor and services and to obtain such supplies and material as may be necessary to the establishment of said park, under such regulations as he may consider best for the interest of the Government, and the Secretary of War shall make and enforce all needed regulations for the care of the park.

The amendment was agreed to.

The next amendment was, on page 6, line 10, to change the number of the section from 6 to 5.

The amendment was agreed to.

The next amendment was, on page 6, line 20, after the words "Secretary of War," to strike out "which approval shall be based upon formal written reports, which must be made to him in each case by the commissioners of the park," so as to make the section read:

SEC. 5. That it shall be lawful for any State that had troops engaged in the battle of Guilford Courthouse to enter upon the lands of the Guilford Courthouse National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the

position of the lines and the proposed methods of marking them, by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of War; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 6, line 23, to change the number of the section from 7 to 6.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 8003) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county, and I submit a report (No. 1010) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in line 6, after the words "Mississippi River," to insert "at a point suitable to the interests of navigation"; at the end of the bill to insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906"; and to add a new section, as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the county of Morrison, in the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in section 8, township 127 north, range 29 west of the fifth principal meridian, and section 32, township 39 north, range 32 west of the fourth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHEYENNE INDIAN RESERVATION.

Mr. JOHNSON of South Dakota. From the Committee on Indian Affairs I report back favorably with an amendment the bill (S. 5648) authorizing and directing the Secretary of the Interior to furnish certain information relative to the employment of members of the Lower Yanktonai Tribe and Two Kettle Band of the Cheyenne Indian Reservation, S. Dak., as scouts in 1863, and I submit a report (No. 1011) thereon, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was to strike out all after the enacting clause and insert:

That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, for compensation of Fast Walker, D. K. How, and Not Afraid of Bear, all of the Crow Creek Reservation, S. Dak., for services rendered while acting as scouts under Gen. Sully and Lieut. Col. John Pattee in the year 1863, the sum of \$150 each; in all, \$450.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Fast Walker, D. K. How, and Not Afraid of Bear."

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 8121) to provide for the application of the reclamation law to irrigation districts; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. WADSWORTH:

A bill (S. 8122) providing for the erection and completion of a public building in the Borough of The Bronx, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. POMERENE:

A bill (S. 8123) to amend an act entitled "An act to regulate commerce," as amended, in respect of car service, and for other purposes; to the Committee on Interstate Commerce.

By Mr. GALLINGER:

A bill (S. 8124) granting an increase of pension to Henry S. Silsby (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 8125) granting an increase of pension to George W. Gray; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 8126) to extend the time for the cutting of timber on the Coconino and Tusayan National Forests in Arizona; to the Committee on Public Lands.

By Mr. WEEKS:

A bill (S. 8127) granting an increase of pension to Dennis W. Riordan (with accompanying papers);

A bill (S. 8128) granting an increase of pension to John H. Wells (with accompanying papers); and

A bill (S. 8129) granting an increase of pension to Lewis Seymour (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 8130) granting an increase of pension to Robert Johnston; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 8131) granting an increase of pension to Samuel H. Brooks;

A bill (S. 8132) granting an increase of pension to Emma C. Hill (with accompanying papers); and

A bill (S. 8133) granting an increase of pension to Andrew Reese (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 8134) for the relief of John C. Hall (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 8135) granting a pension to Susan J. St. John;

A bill (S. 8136) granting a pension to David Feighny;

A bill (S. 8137) granting a pension to Malinda Kiniston (with accompanying papers);

A bill (S. 8138) granting an increase of pension to Thomas Carpenter Moore (with accompanying papers);

A bill (S. 8139) granting an increase of pension to Davis B. Wilcoxson (with accompanying papers);

A bill (S. 8140) granting an increase of pension to Ephraim Briggs (with accompanying papers);

A bill (S. 8141) granting an increase of pension to Andrew F. Maxwell (with accompanying papers);

A bill (S. 8142) granting an increase of pension to Joseph McCoy (with accompanying papers); and

A bill (S. 8143) granting a pension to Josephine Mater Roberds (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 8144) directing the Interstate Commerce Commission to supervise and direct the leasing of certain real estate owned or controlled by railroads and electric interurban railways engaged in the transportation of interstate business; to the Committee on Interstate Commerce.

By Mr. JOHNSON of Maine:

A bill (S. 8145) granting an increase of pension to Charles Willey (with accompanying papers);

A bill (S. 8146) granting a pension to Sadie E. Devault (with accompanying papers); and

A bill (S. 8147) granting an increase of pension to John W. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 8148) to define and punish espionage; to the Committee on the Judiciary.

By Mr. JAMES:

A bill (S. 8149) granting a pension to Isaac F. Allen (with accompanying papers);

A bill (S. 8150) granting an increase of pension to William H. Kelsay (with accompanying papers); and

A bill (S. 8151) granting a pension to John Magowan (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 8152) granting an increase of pension to Samuel E. Palmer; to the Committee on Pensions.

Mr. Mr. WADSWORTH:

A joint resolution (S. J. Res. 207) amending Article V of the Constitution of the United States by providing that, to be ef-

fective, amendments to the Constitution shall be ratified within six years; to the Committee on the Judiciary.

RIVER AND HARBOR APPROPRIATIONS (H. R. 20079).

Mr. RANDELL submitted three amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE REVENUE.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. CUMMINS submitted an amendment intended to be proposed by him to the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LEWIS submitted eight amendments intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which were referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. PENROSE submitted an amendment providing that all employees of the Metropolitan police department of the District of Columbia shall receive 30 days' annual and 30 days' sick leave with pay in any one calendar year, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was ordered to lie on the table and be printed.

RELATIONS WITH GERMANY.

Mr. STONE. Mr. President, I offer the resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 351), as follows:

Whereas the President has, for the reasons stated in his address delivered to the Congress in joint session on February 3, 1917, severed diplomatic relations with the Imperial German Government by the recall of the American ambassador at Berlin and by handing his passports to the German ambassador at Washington; and Whereas notwithstanding this severance of diplomatic intercourse the President has expressed his desire to avoid conflict with the Imperial German Government; and

Whereas the President declared in his said address that if in his judgment occasion should arise for further action in the premises on the part of the Government of the United States he would submit the matter to the Congress and ask the authority of the Congress to use such means as he might deem necessary for the protection of American seamen and people in the prosecution of their peaceful and legitimate errands on the high seas: Therefore be it

Resolved, That the Senate approves the action taken by the President as set forth in his address delivered before the joint session of the Congress as above stated.

Mr. STONE. Mr. President, I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there any objection?

Mr. OLIVER. Mr. President, of course not intending to object, but, feeling that this is a matter of extreme importance, and that the vote should be as emphatic as possible, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Curtis	Hardwick	Johnson, S. Dak.
Bryan	Dillingham	Hollis	Jones
Chamberlain	du Pont	Hughes	Kenyon
Clapp	Gallinger	Husting	Kern
Clark	Gronna	James	Kirby
Colt	Harding	Johnson, Me.	La Follette

Lewis	Poindexter	Smith, Ga.	Townsend
Lodge	Pomerene	Smith, Md.	Wadsworth
McCumber	Robinson	Smith, Mich.	Walsh
Martin, Va.	Saulsbury	Smith, S. C.	Watson
Martine, N. J.	Shafroth	Smoot	Weeks
Norris	Sheppard	Sterling	Williams
Oliver	Sherman	Stone	Works
Page	Shields	Thompson	
Pittman	Simmons	Tillman	

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oklahoma [Mr. GORE] and the Senator from Louisiana [Mr. BROUSSARD] on account of illness. I ask that this announcement may stand for the day.

Mr. PITTMAN. I announce the absence of the senior Senator from Nevada [Mr. NEWLANDS], who is confined to his residence by illness.

Mr. CLARK. I wish to announce that the Senator from North Carolina [Mr. OVERMAN], the Senator from West Virginia [Mr. CHILTON], the Senator from Missouri [Mr. REED], the Senator from Minnesota [Mr. NELSON], the Senator from Utah [Mr. SUTHERLAND], the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Iowa [Mr. CUMMINS], and the Senator from Texas [Mr. CULBERSON] are absent on business of the Senate.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

Mr. STONE. Mr. President, I have been requested by Senators to allow the resolution to go over until to-morrow morning; and that there may be no objection to my request for present consideration, I will myself ask that it lie over until to-morrow.

The VICE PRESIDENT. The resolution will lie over, under the rule, until to-morrow.

THE PATENT OFFICE.

Mr. GALLINGER. When the legislative, executive, and judicial appropriation bill was under consideration there was an amendment offered to it directing the Committee on Patents to make an investigation of the Patent Office. I supposed that that was a movement in the nature of a grievance, and as I have great confidence in the Commissioner of Patents, I made an objection, which took the amendment out of the bill. I have since learned that the sole purpose of the amendment was to give the Committee on Patents authority to look into the needs of the Patent Office, which I happen to know are imperative. As I can not restore the item to the legislative, and so forth, appropriation bill, I submit a resolution, which I ask unanimous consent to have considered at the present time.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 350) was read, as follows:

Resolved, That the Committee on Patents be, and it is hereby, directed to investigate the needs of the Patent Office respecting both its force and its equipment and to report to the Senate at the opening of the next session of the Congress.

Mr. JAMES. Mr. President, I know that what the Senator from New Hampshire states is true, because the Commissioner of Patents himself came to me with the amendment which I gave to the Senator from North Carolina [Mr. OVERMAN] and asked him to present. Its purpose was to ascertain the needs and requirements of the Patent Office. I think the resolution ought to be passed.

The resolution was considered by unanimous consent and agreed to.

NOMINATION OF DR. CARY T. GRAYSON.

Mr. POINDEXTER. I ask that the resolution I offered on Friday last be laid before the Senate.

The VICE PRESIDENT. The Chair would inquire whether the resolution was not offered in executive session?

Mr. POINDEXTER. It was not, in this sense, that unanimous consent was granted that it should be offered as in legislative session.

Mr. JAMES. I think the Senator is mistaken about that. I think the Senator rose to offer it, and did offer it without any request of that sort.

Mr. POINDEXTER. No; the Senator from Kentucky is mistaken.

Mr. JAMES. I do not think so.

Mr. CHILTON. There is nothing in the RECORD about it.

Mr. JAMES. I was watching the matter pretty closely, and I remember very accurately, I think, as to what occurred.

Mr. CHILTON. There is nothing in the RECORD to show that it was offered.

Mr. JAMES. The RECORD does not disclose that it was offered in legislative session. Of course, the Senate speaks only by its RECORD.

Mr. POINDEXTER. It could not have been offered very well for the purpose I have in view in any other way. I have

the most distinct recollection of having offered the resolution, accompanied by the request that it be considered as in legislative session.

The VICE PRESIDENT. Does the RECORD show it?

Mr. POINDEXTER. I do not know whether there is any record of it or not.

The VICE PRESIDENT. There would be if offered as in legislative session.

Mr. POINDEXTER. Not necessarily.

Mr. WILLIAMS. If in executive session the Senator might move as in legislative session that it be so considered, but we are not in executive session and it is out of order.

The VICE PRESIDENT. That is not the point. The point is whether it was submitted heretofore as in legislative session.

Mr. WILLIAMS. That does not change the situation.

The VICE PRESIDENT. If permission was granted, it does.

Mr. WILLIAMS. But it was not.

The VICE PRESIDENT. That is what the Chair is trying to find out.

Mr. POINDEXTER. I do not know whether the Senator from Mississippi was present or not, but permission was granted by unanimous consent for the introduction of the resolution as in legislative session.

Mr. WILLIAMS. It may be that I am mistaken, but I do not so understand it. Of course, if the Senate in executive session gave permission for its introduction in legislative session, then the Senator has the right, but my recollection is that that was not done. I may be mistaken.

Mr. POINDEXTER. The Senator might very well not have heard that. There was a colloquy, if I may be permitted to refer to it in the most general way, between the Senator from Georgia and myself upon my request that the matter go over under the rule until the next legislative day. The first statement which was made in connection with the resolution was that it be introduced as in legislative session. I asked unanimous consent to introduce the resolution as in legislative session, and the inquiry was made by the Secretary to know what was to be done with it. I stated at that time that it would go over one day under the rule. Those were the exact proceedings. Of course there is no record of it, because there was no reporter present, but it was not an executive matter. It was not submitted as an executive matter. It was submitted on the assumption that under Rule XXXVI, section 2, a motion or resolution is in order to proceed to executive business in open session, and that the resolution is in order in open session as a part of legislative business.

Mr. WILLIAMS. I understood the Senator to make that request, but I did not understand that the Senate passed the resolution in executive session; and unless the Senate in executive session did pass the resolution which he offered, which was that this matter should be considered in legislative session, then it can not be so considered.

Mr. POINDEXTER. In view of the fact that there is a controversy about that matter, at the suggestion of one of my colleagues I will withdraw the request which I have just made, and I will submit the resolution now in legislative session, and ask that it go over under the rule and lie on the table until to-morrow.

Mr. WILLIAMS. I merely want to give notice to the Senator that when the Senator calls up the resolution for consideration I shall, of course, move to go into executive session to consider it.

The VICE PRESIDENT. The Senator from Washington offers a resolution, which will be read.

The Secretary read the resolution (S. Res. 352), as follows:

Resolved, That further consideration of the nomination of Cary T. Grayson to be medical director, with the rank of rear admiral, in the Navy shall be in open executive session.

The VICE PRESIDENT. The resolution goes over under the rule.

NIGHT SESSION FOR THE CALENDAR.

Mr. ROBINSON. Mr. President, I desire to submit a request for unanimous consent. I ask unanimous consent that on to-morrow, February 6, the Senate take a recess at not later than 6 o'clock p. m. to 8 o'clock p. m., and that upon the reconvening of the Senate at 8 o'clock it shall be in order to resume the consideration of the calendar under Rule VIII at Calendar No. 802, and that the Senate take a recess at not later than 11 o'clock p. m. until 11 o'clock the following morning.

The VICE PRESIDENT. Is there any objection?

Mr. BRANDEGEE. Is that for unobjected bills only?

Mr. SIMMONS. I did not understand the Senator. Is that a request for to-night or to-morrow night?

Mr. ROBINSON. To-morrow night.

The VICE PRESIDENT. Is there objection?

Mr. BRANDEGEE. Before I give my consent I should like to know whether the request includes unobjected bills only?

Mr. ROBINSON. Unobjected bills on the calendar under Rule VIII.

Mr. JAMES. Let me ask the Senator why he proposes to commence with Order of Business No. 802?

Mr. ROBINSON. That is where we left off the last night when the Senate had under consideration the calendar. If we do not do that, the probabilities are that we will never be able to reach the unobjected bills which are far down on the calendar.

Mr. JAMES. There are some bills, I suggest to the Senator, to which objection was made for reasons which can be entirely cleared up.

Mr. ROBINSON. The Senator can recur to them by unanimous consent.

Mr. JAMES. Very well.

Mr. GALLINGER. It ought to be the understanding that that can be done.

Mr. ROBINSON. Yes; there will be no objection.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. Does the proposed agreement provide for a recess at not later than 11 o'clock to-morrow night?

Mr. ROBINSON. At not later than 11 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the agreement is entered into.

RELATIONS WITH GERMANY.

Mr. WORKS. Mr. President, I desire to give notice that on Wednesday morning, immediately after the close of the routine morning business, I will address the Senate on our relations with Germany.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I ask unanimous consent that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be made the special order for 8 o'clock to-night.

Mr. SMOOT. Will the Senator couple with that the request that no other business shall be considered?

Mr. SHAFROTH. Mr. President, I am between two fires. One Senator is saying that if one thing is inserted in the agreement he will object and another Senator is intimating that if it is not in he will object. I call the attention of the Senator from Mississippi [Mr. WILLIAMS] to the fact that the Senator from Utah is requesting that nothing further be done during the night session than the consideration of the Porto Rican government bill.

Mr. WILLIAMS. Mr. President, I am perfectly willing that that bill shall be made the special order, to begin at the time referred to by the Senator from Colorado, but if that is done no other business could be transacted, except upon a vote of the Senate displacing that bill. I am not, however, willing that by a unanimous-consent agreement—which itself could not be set aside under the ruling of the Chair, even by unanimous consent—anything should be taken up to the exclusion positively of all other possible business. I think the Senator from Utah will upon reflection agree with me. We are in a pretty acute situation; there is no telling what may arise at any moment, and the Senate ought not to adopt a unanimous-consent agreement to consider any legislation to the exclusion of other possible business, even of the most vital importance.

Mr. JAMES. An exception might be made as to emergency legislation.

Mr. WILLIAMS. If the request is worded in a way to except emergency legislation, I shall not object to it.

Mr. SHAFROTH. I am willing to have the request worded in that way.

Mr. SMOOT. I shall be content if the unanimous-consent agreement be worded in such way that the only exception will include special and emergency cases.

Mr. WILLIAMS. Then let the wording of the unanimous-consent agreement be in that way. As I now understand, the request of the Senator from Colorado [Mr. SHAFROTH] is that the Porto Rican government bill shall be made the special order at 8 o'clock to-night, to the exclusion of all other business, except possible special emergency legislation.

Mr. SHAFROTH. I accept that suggestion, Mr. President.

The VICE PRESIDENT. Is there objection to the request for unanimous consent?

Mr. JONES. Mr. President, I have no special objection to the Porto Rican bill, but I desire to notify the Senator from Colorado and the Senate that if legislation of that kind is to be considered to-night there will have to be a quorum here when the session begins.

Mr. SHAFROTH. I hope the Senator from Washington will not make that condition.

Mr. JONES. Why not? If we are going to hold night sessions, why should we not have a quorum of the Senate here to do business?

Mr. SHAFROTH. The reason is that there are not enough Senators interested in the measure to come here at night.

Mr. JONES. If unanimous consent is given, I want it understood that it is given on that condition.

Mr. SHAFROTH. I ask the unanimous-consent agreement to which I have referred, and I will try to induce the Senator to change his position.

The VICE PRESIDENT. There seems to be no objection.

Mr. JONES. The Senator from Colorado had better not make that statement, or he may have more trouble in getting a quorum.

Mr. SHAFROTH. Mr. President, I ask that the Senate at half past 5 o'clock take a recess until 8 o'clock this evening.

Mr. SMOOT. I suggest that the Senator word his request that the Senate take a recess not later than at half past 5 o'clock.

Mr. SHAFROTH. That the Senate take a recess not later than half past 5 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none.

INTERFERENCE WITH NEGOTIATIONS WITH FOREIGN POWERS.

Mr. BRANDEGEE. Mr. President, in view of the tendency which certain private citizens seem to have to meddle with the negotiations of our Government with foreign powers, I send to the Secretary's desk and ask to have read sections 5 and 9 of the Penal Code.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

SEC. 5. Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign Government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign Government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than \$5,000 and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign Government or the agents thereof for redress of any injury which he may have sustained from such Government or any of its agents or subjects.

SEC. 9. Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, State, colony, district, or people, in war, by land or by sea, against any prince, State, colony, district, or people, with whom the United States are at peace, shall be fined not more than \$2,000 and imprisoned not more than three years.

The VICE PRESIDENT. Is there further morning business? If not, the morning business is closed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the following bills:

S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby; and

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 6145) for the relief of Edward F. McDermott, alias James Williams.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6145. An act for the relief of Edward F. McDermott, alias James Williams;

H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field, in the State of Georgia; and

H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo.

REGULATION OF IMMIGRATION—VETO MESSAGE.

The Senate proceeded to reconsider the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States, which had been vetoed by the President of the United States.

Mr. REED. Mr. President, I desire to call attention to the President's veto of the immigration bill, and I most sincerely hope that I can, for at least a few moments, engage the attention of the Senate, not to the old questions that have been discussed but to some suggestions that have since been made and some events that have since occurred which I think at this particular crisis of public affairs demand very serious thought.

Mr. President, the bill as passed contains this language in the excluding clause:

And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

I want to get your attention to the words—

And no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States.

We have a treaty with Japan and a "gentlemen's agreement," so called, with Japan. It is a part of that "gentlemen's agreement" that the Government of Japan will not permit certain classes of Japanese to emigrate to the United States. That is a condition of exclusion carried out through the Japanese Government, but it is nevertheless a condition of exclusion.

Now, I want the Senators to know the fact before they vote; that the Japanese ambassador has already called the attention of our State Department informally to the language of the bill which I have read. The fear is expressed that it constitutes a legislative exclusion of those citizens of Japan who are now excluded by the "gentlemen's agreement"; in other words, that instead of allowing that exclusion to rest upon the "gentlemen's agreement" we have added a legislative prohibition. I am authorized by the State Department to say to the Senate that the Japanese Embassy has called attention to this language and that the State Department feels that the clause may be the occasion of some misunderstanding. The State Department is exceedingly desirous that nothing shall be done which will cause the Japanese Government to feel that we have in any way impinged upon the understanding which now exists. Notice that the language is:

No alien now in any way excluded shall be admitted to the United States.

The exclusion of the Japanese citizen now is by virtue of the act of the Japanese Government, but he is nevertheless excluded by that action; and if this bill becomes a law it could be well said that the case of the Japanese citizen was covered by it, because the language is so broad, comprehensive, and sweeping as to embrace in the legislative exclusion every man who is now in any manner prevented from coming to the United States.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I understand the contention of the Senator from Missouri to be that the Japanese Government prefers to have this rest exclusively upon the "gentlemen's agreement," so called?

Mr. REED. Well, I do not like to answer the question in just that form, because I do not want to assume to speak for the Japanese Government. I am, however, at liberty to say that it has called attention to this language, and I am, of course, at liberty, as we all are, to construe the language. What I am arguing is that there is a reasonable ground for the claim that language so broad and sweeping might embrace all those who are now excluded from any cause or for any reason or by any means and hence would exclude the Japanese because they are now excluded, albeit, by the action of their own Government.

Mr. BORAH. Mr. President, if I am not in error, the Senator who has charge of this bill stated that the agreement which the conferees had reached with reference to this particular clause was satisfactory all around. If I remember correctly, that was stated upon the floor. I may be in error, however.

Mr. REED. I can not answer the Senator as to whether that statement was made or not, because, of course, I did not hear all that the Senator in charge of the bill said by any means, for I was not here during all of the time. The Senator who was in charge of the bill is not here this morning; indeed, there are very few here, as is usually the case. But I lay it hard upon the conscience and patriotism and intelligence of Senators whether at this particular juncture of affairs we desire to do anything that may in the slightest degree tend to disturb the amicable relations that now exist between this country and a country with which we have no serious controversies.

The State Department regards this as important, so important, indeed, that the Third Assistant Secretary of State called my attention to it this morning, and asked me to lay it before the Senate. I regard it as important.

I do not know whether or not the Senate is so determined to pass this bill that it will do so regardless of all consequences.

I do know that at this particular juncture of international affairs sober thought and reflection ought to be the rule with reference to every matter touching our foreign relations. I am unwilling at this hour, big with the world's fate, to do anything that will by any possibility weaken or impair the friendly relations existing between our country and a country which has given to us no offense.

I know how dear this bill is to certain Senators. I know that a feeling has been growing up in our country for many years that too many people are coming to our shores who are not fit for American citizenship. With that sentiment I have been in absolute accord. But there have been differences of opinion as to how the end desired was to be accomplished. The bill that is before us is an unsound and illogical measure. Nevertheless, it has been pushed through, with all its unsoundness and with all its lack of logic, simply because there is an earnest desire to accomplish the end of limiting improper immigration to the United States. We are acting upon this measure much in the same spirit that men might act if they were obliged to accept this particular bill or obtain nothing, whereas we have the absolute power at any time to pass such a bill which will bring the desired result and yet be free from the faults which impair the present measure.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I do.

Mr. SMITH of Michigan. I am much in sympathy with the attitude of the Senator from Missouri, but I do not desire to see the record closed on his view of the Japanese situation without suggesting to him that this especial favor which is extended by the President of the United States to the Japanese Government might still be accorded to the Japanese Government, if the Executive were so disposed, after the passage of this law. It is a very radical departure from the present law. The Japanese Government have simply assumed to visit or issue the passports of their citizens who sought to come to the United States, and to that extent they have controlled immigration to the United States; but if the present laws and treaties were effective I hardly believe they would have the latitude which they now have by the so-called gentlemen's agreement.

As to the wisdom of that agreement, I am not going to say; but if the law and the treaties could be overlooked or set aside, or their enforcement suspended by Executive favor, it can be done after the passage of this bill, if it should pass. I have never been very enthusiastic about it. I think it is most inopportune now, I will say to the Senator.

Mr. REED. I think the Senator misses the point that I tried to state, and which perhaps I was unfortunate in not stating clearly. This, as I understand, is the view of the Japanese Embassy, as expressed in an informal conference with the State Department: That a treaty exists between the United States and Japan under which its citizens have the right to enter the United States; that an attempt was made to deny the Japanese the right to enter; that thereupon the Japanese Government insistently urged their rights under the treaty and protested against the enactment of any exclusion law. However, what is known as a gentlemen's agreement was arrived at, by which the Japanese Government in effect said: "If the United States will refrain from enacting an exclusion law, we will take care of the matter; we will ourselves exclude the immigration from Japan to which you object."

Now, the Japanese Government is willing to stand upon that. Mr. President, the Senator from Massachusetts [Mr. LODGE] has one-half of my audience. [Laughter.] I want to wait until it is released.

Mr. BORAH. I will say to the Senator from Missouri that we were discussing the point which the Senator was making without interrupting the Senator.

Mr. REED. As I could not hear your discussion, I want you to hear mine. I was trying to state the point to the Senator from Michigan. Now, as I understand, the Japanese Government is willing to let matters rest just as they are, but it does not want a legislative act passed which might be so construed as to be the enactment into law of this gentlemen's agreement, or which would effectuate the same thing.

Mr. LODGE. Mr. President, will the Senator allow me one moment?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. LODGE. The provision embodied by the conference committee, simply as a proviso, that no aliens now excluded in any way or prevented from entering the country in any way shall

be admitted after the passage of this act, touches nothing that now exists. It does not interfere with the gentlemen's agreement in any way. If the Japanese Government should abandon their agreement—and it is purely voluntary; they can abandon it at any time—then the people who are now kept out under that agreement would not be able to come in. But it does not touch it at all, and it was drawn with particular care so as not to touch the agreement of treaties or existing law, or to draw any race distinction whatever.

Mr. REED. Mr. President, I call the distinguished Senator's attention to the fact, and then to the language. First, the fact is that Japanese are excluded from the United States in some way.

Mr. LODGE. Japanese labor; yes.

Mr. REED. That way is the action of the Japanese Government.

Mr. LODGE. The voluntary action; yes.

Mr. REED. Now, says this law:

No alien now in any way excluded or—

Notice—

Prevented from entering the United States shall be admitted.

They are prevented now.

Mr. LODGE. Undoubtedly.

Mr. REED. By the action of the Japanese Government; and this bill is not limited to the present moment. It reaches into the future, and it provides, as to the future, that no alien—or class of aliens, of course—now prevented, shall even enter the United States. Now prevented by our laws? Now prevented by our treaties? No; the provision is that no aliens now prevented in any way from entering the United States shall be permitted to come.

The Senator's viewpoint upon any language is always very important and very weighty; but I can not understand the logic of the Senator when he states: "Yes; the Japanese are now prevented," and says, then, that the language "and no alien now in any way excluded or prevented from coming to the United States shall be admitted to the United States" does not embrace every Japanese who is now within the prohibition of the Japanese Government from coming, because he is already prevented from coming by his own Government. The fact is that this law if passed will do what the gentleman's agreement does. The difference lies in this: The Japanese citizen is now excluded by the action of his own Government, which is not offensive to the Japanese Nation, whereas if we pass this law we will then exclude him by our act, which will be offensive.

Mr. LODGE. Undoubtedly it would embrace them, Mr. President, if they abandoned the voluntary agreement.

Mr. FALL. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. I do.

Mr. FALL. As I understand, the point that the Senator is making is that now being excluded simply by the action of the Japanese Government, if this bill passes they will then be excluded by the law of the United States.

Mr. REED. Exactly. The Senator has stated it admirably. They will then be excluded by the law of the United States, because the law will declare that anybody that is now excluded by a gentlemen's agreement or in any other way shall forever be excluded by the law of the United States.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. Some of us feel that if the Japanese people should see fit to abrogate the gentlemen's agreement there ought to be a law against their admission into this country. That law would be founded not only upon what we believe to be right, but upon what the Japanese Government has conceded to be right by its own voluntary action in excluding them from this country. No one would wish to offend Japanese people, but there can be no offense, it would seem, in putting a conceded principle in the form of a statute.

Mr. REED. I believe, as the Senator believes, that this country ought so to frame its treaties and its laws as to prevent Japanese labor from coming to the United States. I have so said on former occasions. Our Government found, however, that the Japanese regarded any attempt to exclude them by law as offensive; and for considerations so weighty that the State Department has spent much time on them, it was decided best not to resort to legislative exclusion, but to have resort simply to a gentlemen's agreement, trusting to the Japanese Government to protect our shores by its action. Now, that agreement is a fact, and that exclusion does now exist; but it

rests in the honor and good faith and good will of the Japanese Nation and not in a law. Now, it is proposed to put into the law a phrase that will shut out these Japanese by law as completely as though the law named them. I say to the Senate that at another time and under other conditions I would be willing to stand here in the Senate and insist that our Government ought to insist upon a change of treaties; but I also say to the Senate that this is no time to be creating new points of difference or new causes of friction with a great nation with which we have been at complete peace, and with which we desire to remain in complete accord and amity.

I now stand here and talk "to the deaf ears of the adder," to those who propose to put this bill through regardless of consequences. The absence from the Chamber at this moment of nearly all its Members indicates a total indifference to the importance of this question. All I can do is to challenge the attention of those who are here, for at 4 o'clock we shall vote, and between now and 4 o'clock is the only time left for consideration.

The PRESIDING OFFICER. Will the Senator suspend? The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

Mr. REED. The President in his veto message had in mind, I think, some of the troubles that now loom before us. He put into his message a warning with reference to this same question, speaking broadly, not with reference to the Japanese, but with reference to the possibility of international complications which might arise between any country and the United States. He states:

The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith."

That is the end of the quotation. The President continues:

Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign Government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but probable that very serious questions of international justice and comity would arise between this Government and the Government or Governments thus officially condemned should its exercise be attempted. I dare say that these consequences were not in the minds of the proponents of this provision, but the provision separately and in itself renders it unwise for me to give my assent to this legislation in its present form.

So you have the warning of the President that this legislation will probably be the occasion of international difficulties or misunderstandings. You have the knowledge that there is already a protest, informal but nevertheless a protest, by a great world power, and I repeat with all the force and emphasis I am capable of that this is not the time to be seeking points of difference with the great powers of the earth. Enough lies ahead of us that we can not avoid.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I do.

Mr. SMITH of Michigan. I suppose the Senator is very familiar with Article I of the treaty between the United States and Japan which was ratified in 1911, and the language of the first article, which I think very important in view of the memorandum which the Senator cites, I should like to read:

The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other; to carry on trade, wholesale and retail; to own or lease and occupy houses, manufactories, warehouses, and shops; to employ agents, and so forth; to lease lands for residential and commercial purposes, and generally to do anything incidental to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

Surely the bill which the Senator is discussing is squarely in the teeth of that treaty right.

Mr. REED. When it is taken in connection with the gentlemen's agreement; yes.

Mr. SMITH of Michigan. Yes; and whether the gentlemen's agreement can be made after the passage of this law, if it should pass, I am not quite prepared to assert vigorously, although I think it could be. I think if the law-enforcing officials of the Government decided that as to the Japanese people their officials should oversee and supervise the immigration of their subjects to the United States they, perhaps, would miss the penalties and

regulations of this law. I am quite of opinion that that could be done; but, at any rate, in the face of the protest which the Senator has asserted, and in view of the fact that it would repeal absolutely, pro tanto, the treaty which I have now read, it has a very significant bearing.

Mr. REED. Mr. President, I have stated the matter as clearly as I can state it. I do not want to multiply words upon it.

I desire to call the attention of the Senate to some other things relating to the bill. The Senate put into the bill a very vital amendment. It was an amendment that would have prevented a great abuse of the privilege of entering the United States. It was to the effect that persons could not come to the United States for the mere purpose of temporarily engaging in labor, intending to return to their own country. That provision would have removed one of the chief causes of complaint against foreign immigration, to wit, the frequently recurring tidal waves of human beings that sweep over the ocean to take the places of our labor. This happens whenever wages become good. The immigrants come intending to earn some money and return home. They employ America as a sort of feeding ground. They do so to the detriment of our home labor. The provision I refer to was put in the Senate and stricken out in the conference, and I should like to know what efforts our conferees made to keep it in. The fact is nearly every wholesome provision placed in the bill by the Senate was stricken out. It seems to me that our representatives, who opposed all these amendments in the Senate, were quite willing they should come out in conference.

I notice the chairman of the committee is absent, confident of the vote, regardless of the merits of the bill or of this discussion, but I want somebody representing the committee to tell the Senate before the debate is over why that important clause was stricken out of the bill, and why those who profess that they want to protect this country from an influx of foreigners and to protect the labor of this country against an unjust competition with those who come here temporarily to take the places of our labor struck that clause from the bill.

Mr. CHILTON. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. REED. I do.

Mr. CHILTON. Does the Senator remember whether that same clause was in the bill that passed this body in the last Congress?

Mr. REED. I do not think it was in that bill; but I do not know. The clause in the present bill I prepared. It was offered here on the floor of the Senate, was fully debated, and was adopted against the protest of the chairman of the committee. It is not hard to know why it was not kept in the bill, but it is difficult to know why any man professing to desire the protection of our shores and of our labor would not have kept it in the bill.

The committee undertook for the first time to exclude people from entering this country by lines of latitude and longitude, not by races, not by intellectual qualifications, not by moral attributes, but by arbitrary lines. Accordingly, they marked a space upon the map which included countries containing, as I figure roughly in my head, something like 300,000,000, and said no human being in all that vast territory could ever come to the United States. The point was raised that to thus arbitrarily exclude everybody would exclude even those members of the white race who happen to be within that vast excluded territory, which embraces about one-half of all Asia, and so the words "white persons" were inserted in the bill, the effect being that white persons residing within that territory could, if otherwise qualified, enter the United States.

But the conferees cut out the words "white persons," leaving the bill so that it absolutely excludes every human being within that mighty portion of the earth's surface, and this regardless of the intellectual or moral qualifications of the immigrant and even though he be of the purest of pure white blood.

Mr. HARDWICK. Will the Senator allow me?

Mr. REED. I yield.

Mr. HARDWICK. I should like to explain to the Senator why we did that, and I think possibly he will agree with it. The Senator knows that the Hindus have been held by our courts to be white people. Now, even if they are technically white people they are not the sort of white people the Senator wants to come in, and if we had left in the bill the words "white people" we would not have gotten rid of this immigration that we wanted to avoid. I also invite the attention of the Senator to the fact that comprehensive language is employed in describing the excluded classes. That language is so broad that it includes practically all of the white people living in those countries.

Mr. REED. I think not by any means.

Mr. HARDWICK. It was so considered in the committee.

Mr. REED. You can not say they are doctors and lawyers.

Mr. HARDWICK. Will the Senator read the language?

Mr. REED. Let me find it.

Mr. HARDWICK. I think it pretty nearly included all white people.

Mr. REED. I will endeavor to get to that language in a moment. But if that is the rule the committee are proceeding by, why do they not put Africa in the excluded district? Why do you exclude the citizens of India, whom you say are of white blood, and permit to come to this country all the inhabitants of every part of Africa except a little spot on the east coast, embracing the desert portions of Arabia?

Mr. HARDWICK. As the Senator knows, personally the Senator from Georgia agreed with him on that question, and so voted in the Senate. The conferees, however, believed that the real reason why it was not necessary to do that was because there is no material immigration into this country of Africans from Africa. On the other hand, there is a very large immigration of Hindus, who, if you used the words "white person," would not be excluded. That is why we did not leave those words in the bill.

Mr. REED. Mr. President, the Senator, I hope, will not leave the Chamber.

Mr. HARDWICK. I will not.

Mr. REED. Will the Senator tell me why you exclude the people living in the territory of southern Russia and allow to come to this country the people from all of Siberia and all that part of Russia which lies north of the fiftieth degree of latitude? What is there about the people there who live just south of that parallel which distinguishes them from those living just north of the line?

Mr. HARDWICK. Would the Senator like to have me give an answer to that question now?

Mr. REED. I would.

Mr. HARDWICK. The part of Russia that we included is Turkestan.

Mr. REED. It also includes other parts of the Russian Empire.

Mr. HARDWICK. I do not think any part of it in which a considerable number of white people live.

Mr. REED. Yes.

Mr. HARDWICK. What part of it?

Mr. REED. There are white people living in all parts of the excluded areas.

Mr. HARDWICK. I mean they do not constitute the mass of the population.

Mr. REED. I think so.

Mr. HARDWICK. I think the Senator is in error about that. Of course there are white people all over the earth, but I mean the mass of the population are not white people in the excluded territory described by the geographical lines.

Mr. REED. As originally prepared the committee ran these lines clear up to the Arctic region, taking all of the white people out of the central portions of Russia. There was some debate upon that, and they moved the line down to the fiftieth degree of latitude, and there they arbitrarily drew it, although the people just north of that line are just like those just south of the line.

Mr. HARDWICK. The Senator is in error there. There is a racial difference.

Mr. REED. You do not follow the lines that mark the division of races. You follow the parallels and meridians drawn on the map of the surface of the earth, utterly disregarding the lines of countries or the lines of races.

It is as arbitrary a thing as though you were to draw two parallel lines across the United States and say that the people within those lines should have certain rights and the people outside should have certain other rights. You exclude some because you say they are Turks, yet you allow the great body of the Turkish Empire to send its people here. Are the Turks over in the body of the Turkish Empire in Asia Minor and Syria not as dangerous as those who live over in Turkestan? Are they not the same kind of people? Have they not the same color of skin, the same character of blood, the same religion, the same ferocious tendencies and traits? You exclude one, and you say you do so because he is a Turk. Why not exclude the other because he is a Turk?

The trouble is that instead of drawing this bill by races and excluding men because of character and blood, or even by countries, you exclude them in accordance with parallels of latitude and degrees of longitude. The gentlemen who vote for this bill vote that a Turk residing in European Turkey can come in if he lives just west of the fiftieth meridian of longitude, and if he lives just east of it he can not come in.

Under this wisely prepared bill an Arabian who lives just east of the fiftieth meridian of east longitude can not come in. That is largely desert over there, but if he lives just west of that line—and that embraces the greater part of Arabia—he can come in. It is about as senseless a proposition as was ever put on paper anywhere by any set of men. As originally drawn, this map would have excluded nearly all of Persia, but the committee got together in its room and resolved that a Persian would make a good citizen of the United States. Accordingly they grouped him with the African, so that both of them may come in arm in arm. The Moors from Morocco can come in; the polite and cultured inhabitant of Algeria is welcomed with open arms; the individual who inhabits darkest Abyssinia is a highly desirable immigrant; we open our arms to embrace him; the civilized and cultured denizen of Madagascar is invited to come; the intellectual bushman of the Congo is also eagerly sought. The Egyptian, whose intellectual death occurred when the Pyramids were built, can also come. The committee have excluded the head-hunters of Borneo, but they have admitted the head-hunters and the cannibals of Patagonia and the Fiji Islands—a discrimination between the same class of people which, I think, may justly be termed “class legislation.” But you will swallow it, because you are pursuing a policy here in regard to legislation that is too prevalent everywhere. What is it? A desired object is in your mind, and in the attempt to accomplish that object you lose all sight of the other features of proposed legislation.

You want to preserve the purity of our race; you want to prevent the influx of great hordes of undesirable people; and starting out with that laudable object—and that laudable object being in the senatorial mind—the Senate absolutely refuses to consider the bad propositions that are loaded into the bill.

The Senator from Georgia [Mr. HARDWICK], who paid me the compliment of an interruption and then of an immediate absence, spoke of the line of cleavage between races, and insisted that the arbitrary lines drawn upon the map by the committee mark that line of cleavage. But they do nothing of the kind. Here is a little excerpt from the Encyclopedia Britannica dealing with that question. It says:

The Caucasian or white man is best divided as follows.

Then follows a description of races, and then this:

The Mongolic or yellow man prevails over the vast area east of a line drawn from Lapland to Siam.

But the line of this map is not that line, and it does not approximate that line. The committee proceeded with about the same degree of arbitrary assumption of power and authority that old Andrew Jackson did when he went out and stuck his cane down in the ground and said, “Build it there; there is where I tell you to build it”; or the Czar of Russia, when he drew his pencil across a map and said, “Build the Siberian Railroad there,” without much regard to topography or anything else, except the whim of the moment.

Mr. President, if any Senator will take this map as it is now marked out, showing the excluded areas, he will find that the line runs through the Chinese Empire or Republic—whatever it happens to be this morning—leaving part of China excluded and part of it included; that it runs through the Russian Empire, excluding a part and including a part; that it runs through the very center of little islands in the ocean; and the man who lives north of that arbitrary line can not come in, but the man who lives south of it can come in; and that is true of islands of small extent. However, wherever the committee drew its pencil it made a line between human beings and differentiated between them; but the line that it drew was not a line between character or citizenship, but a mere arbitrary line on a map.

As to the literacy test as a test, that matter has been discussed, and I should not refer to it at all, except that I want to utter my final protest against it. This literacy test is not to be applied to our people where there are open schools and where the door of opportunity is held back and everyone is invited to enter the places of learning; but it is to be applied to people born in other climes, other Governments, and other environments. It is, as the President said in his former veto message, not therefore a test of capacity or disposition, but a test of opportunity. The man in the United States, speaking generally, who has resided here within sight of the schoolhouse and who has not acquired some education, is generally one of inferior mentality or one who does not possess the disposition which a good and progressive citizen ought to possess. That rule can not, however, be justly applied to the man born in a country where the heel of tyranny rests upon the necks of the people, where poverty with hands of steel circumscribes the development of the inhabitants, where the wolf stands snarling at the door of

the cottages of the poor, and where the constabulary and the soldiery drive him from the schoolhouse. The man reared under such conditions ought not to be denied the opportunity to move to a country where better opportunities prevail; he should not be denied a chance in life because already he has been deprived of his rights as a human being.

What harm has ever come from opening our hospitable doors to well-intentioned men and women who have been the victims of misfortune elsewhere? They came here in the early days of our Republic, and there were then, as now, men who declared that the influx of “ignorant foreigners” would destroy this land. It was nevertheless found that these industrious people settled upon our soil, conformed to our laws, and educated their children with greater care than the native-born American citizen. I put in the RECORD during the debates of the last Congress elaborate tables demonstrating the fact. To-day it is the solemn truth, although I say it with some shame, that people born in foreign countries and who came here illiterate send their children to the public schools more regularly and give them more of education than do the native-born citizens, and there is a greater degree of illiteracy to-day among the whites of the State represented by the distinguished chairman of the committee than there is among the children of the foreign-born in this country. I have made that statement before and it has not been challenged.

The grown people who come to our country unable to read or write are, generally speaking, past the meridian of life. They do not live long; but they bring with them wife and wean, and the question that confronts us is how the children are reared; how are they educated? The children are to become the future voters, the future business men, the future controllers of our country's destiny in part. When you tear aside the veil of prejudice, you are bound to admit that the children of illiterate immigrants frequently outshine in the schools of this country the children of the native-born; that the prize scholar to-day in our colleges, our universities, and our schools is very likely to have been the child of an illiterate immigrant.

What has been the fault of these people? Why are they illiterate? The answer can be found in that system of industrial and political tyranny from which our fathers fled and against which they later rebelled. God Almighty made this human family, and He made white men pretty much the same wherever He made them, and He made men of other colors pretty much the same wherever He made them. Wherever the white race exists men and women have been capable of setting up civilization, of achieving everything that is glorious and beautiful in civilization. But the iron bands have been riveted upon many of them by tyrants; the door of opportunity has been closed in the faces of the vast multitude. They have struggled along, bearing the burdens and subject to the tortures of their surroundings; and so they have remained poor; some of them have remained ignorant; but the history of this country and the history of every other free country shows that once you break those chains those who are the despised and oppressed of the land have crowded into every avenue of progress; they have swarmed with eager feet over the hilltops of success; they have climbed the mountains of achievement; and they have proven that in the years of their oppression and suffering they have been laying up a store of courage and of fortitude that has made them better and stronger than those who oppressed them.

There was a time, sirs, in this country when the “American aristocrat” sneered at the Irish who were coming to our land. The American aristocrat pointed to the fact that the Irish immigrants were priest-ridden and Pope driven, the same miserable cry that is to a large extent to-day responsible for this bill. It was charged that they were ignorant, and to a large extent they were, although only a century or two back of that time the Irish had been better educated than the English; but English oppression had destroyed Irish opportunity. They pointed to the fact that when these Irish came to our country they came poor; clad in tatters; that they crowded into tenements, 10, 15, and 20 living in a room. They declared that these Irish were the lazaroni of the earth; that they would pollute our civilization. Yet what happened, sirs? The Irishman took his pick and shovel and went on to the railroad. He worked at anything he could get; and in a little while the Irishman was living in a little cottage of his own; in a little while his children were in the public schools; in a little while the Irishman with his pick had become the manager of the railroad; in a little while you heard his eloquent voice ring out in the forums of debate; you heard the magic and music of Irish poetry; you saw the mystery of Irish genius transformed to the deathless canvas. You find the Irish to-day as good in blood, as good in brawn, as exalted in soul, as aspiring as the people of any race. They have passed in the test

of life those who stood sneering at them as they came. I use that one race as a type, but it is true of others.

What say you of transferring to this country that spirit of intolerance and oppression which has been the curse of Europe? Over there stands your aristocrat declaring "I was selected by God to control the earth, and these other creatures may creep around and crawl between my feet; but they shall be denied opportunity, and I shall dominate and control." Now, we, whose ancestors came but a few short years back from those same dark spots of earth, whose ancestors came bearing upon their skins the marks of masters' whips, rise in our self-adulation and in our assumed greatness, and say, "We join with the European and Asiatic tyrants in excluding and denying privilege to these poor people who are conditioned as were our own ancestors." So, men who themselves have struggled from the waves and gained a seat upon the raft kick back into the water's gaping mouth others who struggle for a place of safety.

Democrats, the five or six who are here, if you but read the utterances of Jefferson, to whom you pray as you go into your political temple, you will find he was a big enough man to say that no man should be denied opportunity because he was born on a particular spot of earth. But this committee takes a blue pencil and excludes all those born within one-third of the earth's surface that is not covered with water; and yet I will in the future as in the past see and hear the Democratic members of the committee invoking the name Jefferson every time they advance some proposition they can not bolster with their own logic!

I challenge any man in this body, and if it were permissible I would challenge the galleries, to name me now a single human being, who is an illiterate, who in the last 26 troublous months has lifted a hand against our Government or sought to embroil us in foreign conflict. The only trouble we have had has been, and if we are to have any trouble with any class of our people in this country in the future the only trouble we will have will be, with those who are not illiterate. Now, name me, if you can, the poor, illiterate wretch who in the past 26 months has done an act of violence against our Nation's peace, who has conspired against our land, who has given aid and comfort to those in conflict or controversy with the United States. Name me one. Aye, name me one in all this hundred million of our people who came here bearing on his back the raw scars of recent oppression who is not loyal to our land to-day.

It is not because of the poor man who can not read and write that our country needs to feel a fear. I will tell you where you will find that man. If there shall come a time when on the field of battle American valor must be called to meet the military serfs of monarchs, you will find him there. You will find upon that field where assemble the blue-blooded Americans the poor fellow from a foreign country who was so oppressed that he could not attend school, and he will fight with a double force in his soul—the love of liberty and the hatred of tyranny. He will fight as he has fought in every war of our country—the Revolution, where Irish and French and men of all races fought as valiantly as the native born; the War of 1812, when again they touched elbows and marched to the front; the War with Mexico; the War of the Rebellion, in which there were whole regiments of Irish who charged with the old Celtic yell, "Ireland forever!" Those regiments fought under Irish flags, but always with the Irish flag below the Stars and Stripes.

There is something wrong with a character of legislation that has been vetoed by three great Presidents. There is something wrong with legislation that comes under the condemnation at once of a man of the intellectual type of Grover Cleveland and a man of the opposite intellectual type, Woodrow Wilson—both of them great giants in the intellectual kingdom, but of very different mentalities. There is something wrong with a legislative body that listens to propagandas originated by societies based upon proscription of men because of their religion. There is something wrong with legislators who refuse to listen and who pay no heed to the solemn warnings of the President of the Republic in this hour when care should be exercised as never before in our history. There is something wrong when men will blindly follow their prejudice to such an extent that they will not listen or pay heed, although the State Department says to us, "This bill is so drawn that the representatives of a great foreign power with which we are at profound peace, and whose friendship we certainly desire to-day, have unofficially registered their suggestion—not a protest, but a suggestion—that the language of this bill may be very unsatisfactory." And, Senators, those of you who still remain in the Chamber, I put this to you: Is the present just the time, when the Congress of the United States ought to repudiate the President of the United States?

Sustain this veto, and all that is laudable or proper can yet be saved. This will not be the last session of Congress. A bill can be drawn that will protect the citizenship of the United States from an influx of improper foreigners, by which I mean those who, by blood or race, are incapable of amalgamation into the body and life and spirit of the American people. That is not to be done by arbitrary lines on a map, but by blood. It is the part of wisdom, in my humble judgment, to sustain this veto and to start writing an immigration bill that is to be based upon sound principles, and not upon false and arbitrary distinctions.

Mr. President, that is all I care to say upon this measure. I thank the Senate.

Mr. MARTINE of New Jersey. Mr. President, I feel very keenly and very deeply this theme, as I have said once or twice before. I opposed the bill when it was before the Senate within the past year, and I opposed it when it was before the Senate under the previous administration. To me it is repelling and repulsive. I have positive feelings and individual reasons for my opposition to this measure. I need not here state them again. I have stated them often before, and, to my mind, Mr. President, no more truly American message has been presented to the Congress by President Wilson than his veto of the so-called literacy test. I feel that it is unfortunate that he might not have been permitted to veto the literacy test and to approve the remainder of the measure, but this was impossible.

Mr. President, we cry, "Come, come to America! Come to this land, the land of the free and the home of the brave! Come to America, the haven of the downtrodden and the oppressed of every tribe; but you must read. You may be strong in body; your soul may be imbued with the love of liberty; you may stand willing to swear allegiance to your adopted country; yes, you may stand ready to bare your breast for the defense of our common country; you may love God and keep His commandments, but no! You can not touch foot on our shore, for you can not read!"

Senators, brothers, all, I appeal, do not vote to override this Christian and humane and patriotic protest against this ungenerous and un-American proposition.

Mr. President, millions of acres to-day lie in wilderness awaiting the magic touch of labor. Our laws and habits will assimilate the newcomer. Our public schools will educate him. Let him in, I pray. First let us only satisfy ourselves that he is clean and healthy and imbued with moral purposes and is willing to cast his lot with us.

Mr. President, I will never vote to bar from this fair and favored land my fellow man who through accident may have been denied the opportunity to learn to read. I hear the cry that immigration must be checked. Must it? Millions of acres still lie untouched. We want the immigrant. We need him. We must have him. He has brought wealth, prosperity, law, and order to our land, and strength and patriotism as well. The price of bread each day mounts. The cry on all sides, on the farm, is that we lack labor. The college-bred man does not and will not become your laborer. Our jails and prisons are filled to overflowing with men who will be able to pass the most severe of your literacy tests. Literacy is not a test of good citizenship nor of moral worth or efficiency. Illiteracy is by no means ignorance. Myriads of men who were illiterate, so called, would not be able to pass your test and yet have made the most honored and in many instances the most distinguished citizens of our land.

Cardinal Gibbons said in January:

It is disappointing to many thoughtful citizens that the immigration bill has passed both Houses of Congress. By this measure illiterates will, in the future, be excluded from entrance into this country. It is to be hoped that Mr. Wilson will act with the same good judgment as he has done on a former like occasion and veto the bill. Similar bills have been vetoed by preceding Presidents, who have been cognizant of the harmful effect of this test of literacy would have upon desirable immigration.

ILLITERACY NOT IGNORANCE.

Illiteracy should not be confounded with ignorance. There is an old axiom which reads that "intellectual attainments are not the test of virtue." Many of the most dangerous members of the community are men of keen and trained intellect but of depraved morals. The normal, sturdy illiterate has a receptive mind capable of early development. Had the United States refused such illiterates from the beginning of our Government, our country would have lost the benefit of their virtue, thrift, industry, and enterprising spirit. And the descendants of such forbears are an honor to their fathers and a credit and an asset to our country, for they have been rapidly incorporated and identified with the native population by the assimilating process of education and the common use of the English tongue. In consequence of this it would be hard to differentiate the children of foreign immigrants from those of native American parents.

The New York Sun in an editorial says:

LITERACY TEST AGAIN.

It is growing to be a custom with Congress to send the President an immigration bill with a literacy clause to veto. The House played true to form lately in voting the literacy test into the Burnett immigration

bill, that all might see how the faithful Representative stands ready at all times and in all ways to serve the native workman.

The test now put forward provides that aliens, to graduate from Ellis Island, must know how to read and write each his own language. It is hard to see how ability to read the Hungarian bards will avail a laborer in a rolling mill or how a good working knowledge of Russian script will help a New York housemaid. Very little is to be gained by the country in requiring such exotic accomplishments of intending settlers.

On December 17 the New York Sun editorially said:

The literacy test for immigrants is a child of prejudice and selfishness. Its imposition at any time in the Nation's history would have retarded the progress of the country and deprived us of thousands of loyal and devoted citizens who contributed by their own efforts and through their offspring to the upbuilding and defense of the United States.

Three Presidents—Cleveland, Taft, and Wilson—have vetoed this disastrous, unstatesmanlike restriction. To Mr. Wilson another opportunity is to be given to reject it; and that opportunity comes at a time when depleted labor markets, industries crippled by lack of workers, and commercial conditions exposing our present and future need of able-bodied immigrants must impress on the intelligence of disinterested observers the folly of locking the door to any individual of good health, honest mind, and friendly disposition.

Mr. Wilson has already given the final evidence of his understanding of this project. We hope no presumed mandate of legislative reiteration will cause him to abandon his defense of what has been and should remain a cardinal principle of American policy.

Mr. President, the fact is that this is not an effort to keep out the illiterate. We might as well be honest with ourselves. It is an effort to keep out labor. That is what it means. We can not afford to do this. Our fields and farms are crying for more help. Recent advices admonish us that we may need their strong arms to aid in the defense of our common Nation and for our country's good.

Mr. President, I most earnestly concur with the thought of the President as expressed in his message, wherein he says:

The literacy test is not a test of character, of quality, or personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. Our experience in the past has not been that the illiterate is, as such, an undesirable immigrant.

I have known in my life many who were unable to read, and yet who have carved out their fortunes, made distinguished and strong places in the body politic, and whose children have been a credit to the family of the father and an honor to our country.

Some one has put these few thoughts in a form that struck me very pleasantly:

Your farms are half deserted—
Up goes the price of bread;
Your boasted education
Turns men to duds, instead.
We bring our picks and shovels
To meet your greatest need;
Don't shut the gates upon us
Because we can not read.

I hope there will be patriotism and breadth enough in the Senate, true Americanism enough, to maintain and to sustain the President's veto of this so-called literacy test.

Mr. HARDWICK. Mr. President, the friends of this bill do not feel that further debate upon its provisions is either necessary or desirable. The case is made up. The argument has already been had. The verdict has already been rendered, and at 4 o'clock this afternoon final judgment is to be entered. And yet I feel that in behalf of the Senate Committee on Immigration, and in behalf of the Senate conferees on this particular bill, a few words in answer to the President's objections to this bill will not be inappropriate.

Mr. President, in returning to the House in which it originated without his approval this bill, President Wilson observed:

In most of the provisions of the bill I should be very glad to concur, but I can not rid myself of the conviction that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness, but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be.

Mr. President, the President of the United States states his side of this proposition strongly, as he always does, but it seems to me that he does not get down to the fundamentals involved in this proposition. The fundamentals upon which this literacy test rests are easy to understand, and when once understood it seems to me that the case made for the literacy test is simply unanswerable.

In the first place, we contend that no man ought to be admitted into this country unless he comes for the purpose of becoming a permanent resident of it, and is fit to become associated with our people and incorporated into our body politic. That means, of course, that he must be a citizen and a voter of this Republic in the end. He can not be a citizen and a voter

of this Republic unless he possesses a certain amount of intelligence, a certain amount of understanding, and in more than 30 of our own States he can not vote unless he has a certain amount of intelligence and can read and write. Now, what hardship is involved in requiring of the foreign emigrant, seeking admission into our country, seeking to eventually become a citizen and voter of this Republic, exactly the same qualifications that more than 30 American States, in one form or another, require of their own people before they can participate in the duties, responsibilities, and functions of citizenship?

I understand, of course, Mr. President, that education alone, standing by itself, is never a test of virtue, of integrity, of character; and yet education always must be the test, the standard, the yardstick, for determining the possession of the amount of intelligence necessary to exercise certain duties of citizenship. The rule, of course, has its exceptions; the standard does not always secure exact accuracy; but it is the best standard that we have been able to devise for our own people when it comes to defining who are fit to exercise the functions and discharge the responsibilities of American citizenship; and there is no injustice in requiring these immigrants who come from other countries to measure up to the same standards that we require of our own people.

So much for the fundamentals involved.

In the second place, I insist that this bill is right and that it ought to pass, the objections of the President of the United States to the contrary notwithstanding, for another reason—because we want to restrict immigration from certain countries in Europe and from certain peoples of Europe which this test will exclude—men who come here without any desire whatever to become permanent citizens of this Republic, sharers in its destinies and bearers of its burdens.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. HARDWICK. I yield to the Senator.

Mr. REED. I agree to the proposition that men should not be allowed to come here who do not expect to become permanent citizens and share the burdens of government. If the Senator advocates that, will he tell me why there was cut out of this bill the clause that the Senate put in which prohibited men from coming here simply for the purpose of doing labor temporarily and going back, which was intended to stop hordes of men coming from Europe to take the place of American labor? Why was that cut out?

Mr. HARDWICK. I will answer the Senator very frankly. It was cut out over my objection because it was considered difficult, if not impossible, to prove the purpose of the immigrant; because we considered it impracticable to establish what the facts were in that regard, because we did not believe that the officers and servants of this Government would be able to pass on that question with any degree of accuracy.

Mr. REED. Does not the Senator believe that they could have gotten at least part of the people coming in for that purpose?

Mr. HARDWICK. Well, I hoped so. To be frank with the Senator, I hoped that they could, and for that reason personally I favored its retention; but the majority of the conferees thought it was so impracticable, and that the percentage of good it would do was so small, that the object could be and would be best accomplished in another way; namely, in the way provided by this bill, largely by the literacy test.

Mr. REED. The Senator would not claim that these people who come here to take the places of American labor are all illiterate, or that a majority of them are illiterate, would he?

Mr. HARDWICK. I not only would claim it, but I do claim it. That is the fact.

Mr. REED. I should like to know from what country they come—

Mr. HARDWICK. I will answer the Senator, if he wants me to.

Mr. REED. Because I have some figures on that point myself.

Mr. HARDWICK. All right. They come from the south of Europe, from Italy, Sicily, Sardinia, from certain parts of Austria-Hungary, from Hindustan—the Hindus.

Mr. REED. Only 80 Hindus came to this country last year.

Mr. HARDWICK. A large number of them have come in the past. They may have been cut down recently, but there are a large number of them in the West now, the evidence is.

Mr. REED. Last year the figures showed—

Mr. HARDWICK. Has the Senator the figures for a number of years?

Mr. REED. I have. There came from India last year 32 instead of 80.

Mr. HARDWICK. The figures of the Senator may be technically correct, but they are not really accurate. There is no classification there—

Mr. REED. I have in my hand the immigration report and under the head, "Immigration, aliens admitted, fiscal year ended June 30, 1916, of countries from last permanent residence and races of people," I find "India 32."

Mr. HARDWICK. In 1916?

Mr. REED. Yes.

Mr. HARDWICK. Well, I will not dispute with the Senator about that. It is a mere matter of unimportant detail. Besides, I want to call the Senator's attention to this thought. The bulk of the immigration to which this test will really be directed and which it will really exclude comes from certain countries in the south of Europe around the Mediterranean, where the people who emigrate to this country are almost entirely illiterate and belong to the class of day laborers. I think, if the Senator will examine the facts—I have not the statistics at hand, and I would not care to take up the time to put them in the RECORD if I had them—he will find in the countries to which I have made reference the percentage of the illiterates is very large, and he will find, I think, further, if he will examine into the facts, that the percentage of illiterates who come from that country into this is very large.

Mr. REED. If the Senator will pardon me a moment, I have the figures here for 1914. The Senator spoke of over half of them being illiterate who came. The worst country I find is Portugal, and they are just 50 per cent, but there were only 9,647 Portuguese who came, a very small number, of course, in proportion to the great mass of immigrants.

Mr. HARDWICK. Take Italy, for instance.

Mr. REED. South Italy?

Mr. HARDWICK. Yes.

Mr. REED. As classified here this shows 40 per cent.

Mr. HARDWICK. That is the country, I will state to the Senator very frankly, I have in mind.

Mr. REED. The Senator spoke of Hungary. The Magyar, which is the Hungarian immigration, only showed 7 per cent of illiteracy. So by the Senator's rule it would exclude a good many from the south of Italy, and that is all from the south of Europe. It would not exclude a good many Polish people. Now, let me ask the Senator, Does he much blame the Polanders for not having an education under the circumstances he has been compelled to endure?

Mr. HARDWICK. If the Senator wants an answer to that question, I will say to him that I do not blame anybody for not having an education, whether he lives in Poland or America or anywhere else, unless it is the fault of that person.

Mr. REED. Exactly. I ought to put my question in a different form, whether it indicates mental inferiority or lack of good citizenship in a Polanders compelled to live under conditions he has been to be illiterate. I do not think it indicates that at all.

Mr. HARDWICK. I will say to the Senator that in setting up a standard or a rule of any sort you can not possibly set it up without having exceptions, and under the operation of which individual cases of hardship might not appear to result. The same observation that the Senator is making now would apply to every one of the State laws which require the possession of a certain amount of intelligence as a requisite for voting.

Mr. REED. The Senator has been very generous and I do not want to trespass upon his time.

Mr. HARDWICK. The Senator is not bothering me.

Mr. REED. I think there is a very wide distinction between denying to men the opportunity to live in a country, provided he is well intentioned toward the country, an honest man, and so forth, and permitting a man to take part in the government of the country. In the one case we reserve the right of government to those who are supposed to be the more intelligent. In the other case you deny a human being a chance to better his condition. I think there is a very clear line there.

Mr. HARDWICK. Mr. President, of course, that takes us right back to the proposition I started with. In the first place, this country is not an eleemosynary institution for the benefit of all the world. In spite of all the beautiful platitudes that have been uttered on this floor and elsewhere on that delightful subject, this is a country that belongs to us and to our people, and it is to be governed and its laws are to be enacted in accordance with what are the wisest policies for us and not according to any other plan or principle on earth.

Now, my own view of this matter, and I apprehend it is the view of a great majority of Senators who support this legislation—I apprehend it is the view of the great majority of the Members of the other House who have supported it—is that one of the principal things we ought to require of every man who comes into this country from a foreign land is that he shall

be of a character that makes him fit to become a citizen and voter in the United States of America.

Mr. GALLINGER. Mr. President—

Mr. HARDWICK. I yield to the Senator.

Mr. GALLINGER. I received a letter a day or two ago from a gentleman who served 12 years in this body, and whose opinions are very highly valued. With the Senator's permission, I will read a single paragraph from it.

Mr. HARDWICK. I will be very glad to have the Senator do so.

Mr. GALLINGER (reading)—

Did you ever realize that the test does not keep out of the country one single human being who cares to come? Its only effect is to delay an immigrant for a short period while he is learning to read. How long will it take him to learn? Many people can learn in from 9 to 12 months. If he really wants to come, he can afford to delay that length of time, learn to read, and then come to a country where he is expected to be an intelligent and patriotic citizen, qualified to vote in the only real people's Republic in the world.

Mr. HARDWICK. Exactly.

Mr. GALLINGER. And on that point, once on my own initiative, I called attention to the fact that at the worst this could only delay these people for a short time, that they could learn to read in their own language, that being the requirement of the bill. It might work a hardship to a few very old men or old women; but, as a rule, the people who come here are not so far advanced in years that they could not at least learn to read 30 or 40 words, as is required of them, in their own language.

Mr. HARDWICK. And if they are incapable of that it is proof positive that they are utterly unfit to become joint inheritors with us of this great country of ours.

Mr. REED. Will the Senator allow me?

Mr. HARDWICK. I yield.

Mr. REED. The argument of the letter, it seems to me, is completely without merit, or else the purpose of the bill will never be effectuated. The purpose of the bill, says the Senator, is to exclude the peoples from the south of Europe. Now comes the Senator from New Hampshire with a letter from some distinguished friend who says it will not exclude anybody practically because they can qualify in a little while. Hence why pass the bill, for the slight education necessary to read 30 or 40 words would not qualify a man for citizenship; and, according to the Senator's logic, all these people can come in by just a little extra exertion. So you will not shut them out at all, and the test of your bill is shown to be useless if the logic of that letter is correct.

Mr. HARDWICK. Of course, we can apply the argument exactly the other way, if it amounts to no more than that little hardship on anybody. What objection is there to it?

Mr. REED. But the bill gets you nowhere. It comes back to that proposition. While you have made that your test it is not the right test. There ought to be an entirely different test set up. It ought to be a test of manhood, a test of character. It ought to be determined by races, by the ability of an immigrant to assimilate himself into the life of the Nation. But now you say we have set up a test which can be defeated by the most ignorant creature on earth by doing a little work for 30 or 40 days. Hence, you say, it will not do any harm; ergo it will not do any good.

Mr. HARDWICK. There is no need to argue in a circle about this.

Mr. REED. That is what you are doing.

Mr. HARDWICK. No; the Senator from Missouri is indulging in that delightful pastime. He says it does not do any harm, and yet he is utterly and absolutely opposed to it.

Mr. REED. I did not say that it does not do any harm.

Mr. HARDWICK. If it does so little harm, it amounts to nothing, and therefore you are strenuously opposed to it.

Mr. REED. No; the Senator will pardon me, because he must not state me incorrectly.

Mr. HARDWICK. I do not want to quote the Senator incorrectly.

Mr. REED. I said it would exclude these people. The answer came back they can all defeat the exclusion by doing a few days' work. Hence the statement was made on that side, not by me, that it would do no harm. I say, if that be true it will do no good, because it will not exclude the very people the Senator wants to exclude, to wit, classes of people who happen to live in that part of Europe.

Mr. HARDWICK. Mr. President, it amounts to the same thing. No matter who is arguing in a circle, it is arguing in a circle just the same. I say it is not a hardship on these people to require of them that they must evidence the possession of a very reasonable amount of intelligence before they shall be admitted into this country. I say the governmental policy of

this country ought to be that no man shall be admitted into it who is not capable of being a citizen of this Republic and a voter in it, and I say the best general standard we can set up to determine that fact is the standard already set up in more than 30 American Commonwealths, namely, that the man must, at least, be able to read and write, that he must have that much intelligence before he can vote, in the exercise of those duties and in the discharge of those responsibilities.

Now, that is the thing in a nutshell. We are not hard on these people, because we do not require of them as much as we do of our own. It is a correct governmental policy to say we will not admit to this country people who are not capable of being assimilated into our body politic. It is a correct governmental proposition to say people are not capable of being assimilated into our body politic unless they are fit to become citizens and voters in this Republic. It is already an established American governmental policy that, as a rule, in most of the States the voter ought to have at least enough intelligence to read and write in the English language, and the requirement of this bill is not nearly as strong as that.

Mr. GALLINGER. If the Senator will allow me, he should not overlook the fact that in countries where the people have been persecuted along lines that have prevented them from getting an education because of religious persecution they are admitted here.

Mr. HARDWICK. I was coming to that, if the Senator please, in just a moment in connection with another part of the message.

It is a strange thing to me—yea, it is more than passing strange—that Members of this body and people out of it, distinguished men of high public position, skilled in all the polemics of governmental science, should undertake to object to literacy as a test in a matter of this sort when upon that same test rests almost every American institution and the laws of three-fourths of the American Commonwealths. Are we to establish a new dispensation on this subject? Are we to reform our views? Are we to reverse American policies? Are we to say to thirty-odd Commonwealths of the American Union you were mistaken when you said that your own people ought at least to be able to read and write before they can vote, either theoretically or practically, in your State? I do not think so. High as is my respect for his intelligence, I must dissent from the view of the President of the United States. I must dissent from the statement that this bill constitutes a radical change in the policy of the Nation. On the contrary, the bill conforms the policy of the Nation to existing American policies in three-fourths of the American States. I dissent from the statement that the bill is not justified in principle. On the contrary, the bill rests on the soundest of all fundamental principles, the right of a great people and a great Nation to establish its own standards at its boundaries and to say that men who do not come up to them shall not be admitted simply because the sovereign says not.

The President of the United States concludes his message as follows:

Moreover, even if this test might be equitably insisted on, one of the exceptions proposed to its application involves a provision which might lead to very delicate and hazardous diplomatic situations. The bill exempts from the operation of the literacy test "all aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith."

As was suggested by my friend, the Senator from New Hampshire, and under that provision to which the President objects, people who have been persecuted because of their religious faith will be admitted to this country without regard to any other consideration. The Senator may say that that is not logical and that it is sentimental. I am inclined to concede it if you make such a contention. But the President concluded:

Such a provision, so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign Government and declare that they did or did not constitute religious persecution. This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible but probable that very serious questions of international justice and comity would arise between this Government and the Government or Governments thus officially condemned should its exercise be attempted.

Mr. President, I by no means concur in that view. It seems to me that without taking issue with the policy that any Government upon the earth may establish and may maintain on the subject of how it shall deal with its own people, we can say, as our fathers have said from the beginning of this country's history, if a man is persecuted for religion's sake alone, we will admit him to this country regardless of what any other country

may do or regardless of what any other country may say, without giving just cause for offense to that country.

Since the day of the establishment of the Government this country has been the land of civil liberty and of religious freedom. The right of a man to worship God according to the dictates of his own conscience ought to be unchallenged forever within its limits. For one, even if the exception be sentimental rather than logical; for one, even if some oversensitive foreign power might, if it was seeking cause for offense, find it in this matter, I am willing to take the chances. For one I am willing to say that we still remain true to that fundamental American principle, we are still willing to say that this country shall afford an asylum for the persecuted of every faith, of every creed, and of every religion on this earth of ours.

Mr. President, I am confident, not that this bill is perfect, not that the test it establishes is infallible, not that the standard it applies is the very best that can be devised, but that it is reasonably right, that it is reasonably sound, that it is reasonably accurate, that it is based on correct fundamentals; that in theory it is right and in practice it will be better.

For one I am willing to give my vote to-day, as I have given it so many times in the past, for the passage of this measure, not claiming that it is perfect, not claiming that it is free from fault, but claiming that it is the very best that can be done, and that it is reasonably suited for the purposes that it seeks to accomplish. I am willing to vote for it to-day, the objections of the President of the United States to the contrary notwithstanding.

Mr. REED. Before the Senator takes his seat I want to get the Senator's view upon the question that I first raised. I do not know whether the Senator was here when I began my remarks.

Mr. HARDWICK. I was not. I was away upon committee work, I will say to the Senator.

Mr. REED. I called attention to this fact, I think a very serious fact. It will take a moment to state it so that the Senator will understand what I am referring to. Under our treaty with Japan the Japanese Government has contended that its citizens have the right to come to the United States without restriction; that opposition in this country was developing to Japanese immigration. So much was that the case that legislation was being attempted in certain of the Western States. Thereupon our State Department brought about what is known as the gentlemen's agreement, by which the Japanese Government assumes the duty of excluding all but a limited class of its people from the privilege of coming to the United States. Therefore, under that gentlemen's agreement and under the condition which the Japanese Government has created the greater portion of the Japanese are excluded from the country. That is now the present condition, and the bill contains the language "no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States."

Mr. HARDWICK. What page?

Mr. REED. Page 8, lines 4 to 6. Will the Senator let me finish the statement so that he will have it complete?

Mr. HARDWICK. Certainly; I will hear the Senator.

Mr. REED. The Japanese Embassy called the attention of our State Department to this language and asked it to consider whether the language is not of such a character as to amount to a legislative prohibition of immigration whereas the gentlemen's agreement was effected for the very purpose of preventing legislation.

Understanding now that the very purpose of this gentlemen's agreement was to avoid legislation and to let the exclusion rest solely upon the good faith of the Japanese Government, is it not true that the condition has been created whereby the Japanese are prevented from coming? Does not this language when it becomes a law legislatively exclude the Japanese, because the language is "in any way excluded from or prevented from entering"? I will say to the Senator the State Department informed me this morning that the Japanese Embassy had called attention to this clause in the bill, and that the State Department requested that I should lay that matter before the Senate. I should like to ask the Senator's view about it.

Mr. HARDWICK. I will answer the Senator very frankly about it. The Senator's question is not a new one. It is one that was carefully and accurately considered by the conference committee. I say in answer to the suggestion, coming originally as the Senator says from the Japanese Embassy, and voiced by him on this floor, there can be no possible offense to Japan provided she intends, as we have a right to assume she does, to live up to her agreement.

The law can have no possible application to any Japanese who does not come without violating the good faith of his own

Government. Therefore I assume that, while technically it might be applicable to Japan as it is to every other country, it can have no practical application to any Japanese unless the Japanese Government is prepared to say it is not living up in good faith or does not propose to live up in good faith to its own agreement.

Mr. REED. The Senator misses the point of my inquiry.

Mr. HARDWICK. No; I do not miss the point.

Mr. REED. I can not attribute it to his lack of ignorance, but it must be due to my inability to state it. The point is that the gentlemen's agreement was arrived at for the very purpose of preventing legislation.

Mr. HARDWICK. For how long?

Mr. REED. Well, at least until some arrangement was made by treaty or otherwise.

Mr. HARDWICK. This is "otherwise," is it not?

Mr. REED. Exactly. The point is that, in order to have everything smooth with the Japanese Government, we in substance agreed not to legislate but to accept in lieu of legislation the assurance of that Government. Now we are legislating; now we are doing the very thing which the agreement was made to avoid. We are putting ourselves in the position possibly, and I think quite certainly, of having enacted a law the effect of which practically is to exclude Japanese because they are already within the class prevented from coming; in other words, we make a "gentlemen's agreement" with Japan to prevent legislation, and we follow that by legislation. Is it wise for us to have any controversy of that kind just now?

Mr. HARDWICK. I will say to the Senator that the conferees were perfectly convinced that there was no possibility of that sort of a situation arising. I will tell the Senator why. Of course the gentlemen who made this agreement on the part of our Government some time ago were making it merely with reference to legislation that was then pending. They could not mortgage the legislative future of this country, and they did not attempt to do so. Nobody, either in Japan or in America, will so contend.

Now, we have no reason to believe—at least, I have none; there may be differences of opinion about that—but I will say that, so far as I am concerned, I have no reason to believe that Japan has violated that agreement. Some people may think otherwise, but I have yet to see any evidence otherwise. The legislation contained in this bill, if it shall become a law, would simply have this effect; it could have no effect on Japan or on Japanese immigration, unless Japan was violating the agreement which she herself had made. If Japan is violating that agreement which she herself made and is not living up in good faith to her own agreement, so far as I am concerned I am willing, be the consequences what they may, now or hereafter, to legislate on this subject as we have legislated.

Mr. SMITH of South Carolina. Mr. President—

Mr. HARDWICK. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. I should like to make this suggestion: If this has the effect of law, as the Senator from Missouri [Mr. REED] claims and as the Senator from Georgia [Mr. HARDWICK] says, it certainly would have no effect upon Japan unless she saw fit to take advantage of the "gentlemen's agreement" and break it. If she does not do that, but lives up to it, this is not effective; and if there should come a time when we should have some other agreement with Japan we could amend this without giving offense to either party to the contract.

Mr. HARDWICK. Let me suggest another idea to the Senator, and I am going to be as frank about this as possible. Suppose we had left this provision entirely out of the bill; that Congress had adjourned; and that Japan had notified us within 30 or 90 days—though I believe they have an arrangement that they may abrogate it at any time within a given period—that she wanted to abrogate it; unless there had been something like this put into the law there would have been no law whatever on our statute books to control this question or to keep it within its present limits.

Mr. REED. Then the object is to put it into positive law?

Mr. HARDWICK. The object is to put in such shape that, where Japan has already agreed that she will restrict and control her immigration into this country in a certain way, we are going to fix it so that if she were to abrogate that agreement at any time the law would preserve the status now existing under that agreement.

Mr. REED. In other words, you propose to substitute for this "gentlemen's agreement," which was made to avoid the enactment of a law which would be offensive to Japan, a law that will do the very thing that we made the "gentlemen's agreement" to avoid.

Mr. HARDWICK. I do not think the Senator from Missouri ought to make such a statement as that, because this is an American question. We can not have any disagreement between the Senator and myself, or between any two Senators on this floor, on that question. We have got a right to enact any sort of legislation we please on this immigration question, without regard to any other country on earth, except so far as that right is modified by treaties.

The Senator certainly—entertaining the views which he does on this immigration question—would not want to leave this country in this sort of a fix, that if Japan, the day after this Congress adjourns and after this bill becomes a law, should for any reason of her own, good, bad, or indifferent, give us the notice provided for in that agreement, that she no longer proposed to keep it, this country would have absolutely no protection on that subject. So this language is absolutely necessary. Without even our charging or dreaming of bad faith on her part, we put Japan in the position that she can change her mind, if she wants to do so, and notify us that she has changed it. That is my view of that question.

Mr. REED. I thank the Senator. Now, Mr. President, that clears up the matter a great deal. Let us state the case in a word; and I appeal to Senators to give this serious thought. We have a treaty with Japan, under which Japan claims the undoubted right to have her citizens come to our country. Legislation was pending which would affect that right. It was stated on the floor of the Senate by distinguished Members, it was stated generally in the press of the country, as coming from the State Department and elsewhere, that if that legislation were enacted it would be offensive to the Japanese people and Government; that it would be offensive to them because it would be the singling out of their people and the stigmatization of their people as unfit to come to America. Thereupon, to avoid that difficulty, to save the Japanese people from that implied humiliation, we agreed privately that in lieu of the enactment of any legislation we would accept the assurance of the Government of Japan that it would exclude its own people. Now, it is boldly admitted here by the proponents of this bill that they are not content to rest upon the "gentlemen's agreement," but that they propose to do just what the Japanese legation suggested, to substitute for that agreement a positive enactment of law—the very thing we have frequently been told on this floor we ought not to do, because it might make trouble between this Government and Japan. We are asked to do that now, at a time in the affairs of this world when the United States ought not to be searching for causes of dispute with great nations. It is now boldly admitted that the committee does propose to substitute a law for a "gentlemen's agreement," an agreement which was made to avoid the enactment of any law. If we do so we may create complications that may be very grave. I say to Senators who have come in since this debate started that the State Department has sent here word asking the Senate to give this matter very serious consideration.

Mr. SMITH of Michigan. Mr. President, the Senator from Missouri [Mr. REED] has laid considerable emphasis on the fact that this legislation will supersede the "gentlemen's agreement," so called, between Japan and the United States. He also contends, I have no doubt, that it would supersede the treaty between Japan and the United States made in 1911, and which, according to its terms, can only be terminated by six months' notice; in other words, the bill which is now pending, if passed over the President's veto, would become the law of the land and would supersede this treaty if in conflict therewith.

Mr. President, I have never hesitated to disagree with the President when I believed him to be wrong. In fact, I have frequently disagreed with several of his predecessors; but when the President in a great crisis sees fit to lay special emphasis on the unwisdom of this legislation, especially now, as a patriotic citizen and public servant I am bound to pay some attention to his request. When the government of a friendly power intimates, as has been stated by the Senator from Missouri, that this legislation is not in harmony with our treaty engagements, I am compelled to give heed to it. I did not favor the "gentlemen's agreement," I will say frankly. I thought it unwise to practice favoritism in the Orient, believing that China and Japan should be treated alike under our laws. Japan's marvelous advance and China's rapid evolution during the last decade has challenged the attention of the entire civilized world.

If the officers of the Japanese Government are deemed competent to pass upon the quality and character of native emigrants to the United States, then the Government of China, perhaps, might have the same courtesy at our hands, they being of equal honor.

That we must have immigration laws there can be no question; that our land should be protected from the lawless, from the criminal, from the anarchistic, there can be no question. We all admit that; but to say in statute law that because a man has not had the education which rises to specified standards he should be prevented from coming into this country, seems to me is very unfair.

I remember in this Chamber not very many years ago to have heard the distinguished Senator from Delaware recount that many of the soldiers of the Revolutionary Army who won our liberty could not even write their own names; yet they were unselfish enough and brave enough and courageous enough to give their lives for the Republic. As a Member of Congress for many years it has come to my knowledge, in the administration of the pension laws, that scores of men who were not able to sign their names had records for unsurpassable bravery in war and were helpful soldiers in the cause of the Union. Education is a very good thing; no sensible man denies it. Many of you have been more fortunate than others in obtaining it, and should thank God for your opportunities. If you go into the Vice President's room adjoining this Chamber, you can read a tablet on the wall to the memory of Henry Wilson, Vice President of the United States and a great Senator, and you will there learn that he was deprived of an education; that he had not even the benefit of a common-school education. He educated himself in the great struggle of life in the school of hard knocks. If you were to make admission to this country dependent upon the ability of an immigrant to parse a sentence, you would close the doors to much desirable immigration.

Mr. GALLINGER. Mr. President, if the Senator will permit me—

Mr. SMITH of Michigan. Certainly.

Mr. GALLINGER. Henry Wilson was born in a town in New Hampshire where there were public schools.

Mr. SMITH of Michigan. That is true, of course, but his biographer says he did not get any of it, free as it was; he was otherwise engaged in a struggle for bread.

Mr. GALLINGER. Well, I should challenge that statement; but whether that be so or not, others have the same chance for self-education.

Mr. SMITH of Michigan. The Senator from New Hampshire may have had an excellent chance for self-education.

Mr. GALLINGER. That was pretty much all I got.

Mr. SMITH of Michigan. But I want to tell the Senator that many of us were limited in that regard not because there were no schools, not because there were no teachers, but because in our youth it was necessary to battle for existence. Some of us could not parse a sentence.

Mr. GALLINGER. Well, Mr. President, if the Senator will permit me, we do not require that of these immigrants. We ask them to read 30 words in their own language.

Mr. SMITH of Michigan. Yes; and the Senator knows, and I know, scores of good people who have lived in a land of education and enlightenment who unfortunately can not read or write.

Mr. GALLINGER. It is their own fault.

Mr. SMITH of Michigan. Well, where it is their own fault, I have little sympathy with them, but where it is not their own fault I pity them. I think that the test of good citizenship here is the question of good character in the country from which the immigrant comes. If an immigrant has made a good citizen in the country from which he comes and comes here with every purpose of making this his home and identifying himself with our institutions, then I think he should be given the right to come; and I want to say for the President—and I do not often say much in eulogy of him—that for a teacher, for a professor, for a scholar, for a man who has led thousands of youthful feet through learning's maze to stand against this test because it is not fair, because it is not right, because it may work great hardship, is to his everlasting credit.

His veto message is brief and so full of humanity and sympathy for the unfortunate and the oppressed that I want to read from it.

I can not rid myself of the conviction—

Says the President—

that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle. It is not a test of character, of quality, or of personal fitness but would operate in most cases merely as a penalty for lack of opportunity in the country from which the alien seeking admission came. The opportunity to gain an education is in many cases one of the chief opportunities sought by the immigrant in coming to the United States, and our experience in the past has not been that the illiterate immigrant is as such an undesirable immigrant. Tests of quality and of purpose can not be objected to on principle, but tests of opportunity surely may be.

Now, Mr. President, for good reasons the President has seen fit to return this bill—

Mr. WATSON. Mr. President, I should like to ask the Senator a question.

Mr. SMITH of Michigan. I yield to the Senator from Indiana. Mr. WATSON. Does the Senator remember a lecture delivered by President Wilson when he was president of Princeton University, some four or five years ago, in which he inveighed against the exclusion of the Chinese by saying that he was not certain but that the Chinese would make far more desirable citizens than the hordes of ignorant, unlettered, vicious, and immoral immigrants who came from southern Europe through the eastern gates of our country?

Mr. SMITH of Michigan. No, Mr. President; I do not remember that; but I am not so familiar with the writings or the teachings of the President as is the Senator from Indiana. I am, however, familiar with the fact that during the years in which the President has been the Chief Executive of the Nation he has been privileged to change his mind a great many times upon important public questions; and if he has changed his mind upon that question I am very glad; wisdom grows with experience.

I do not believe the literacy test is fair; I do not believe it is the best test. I do not by that mean, to criticize the committee who have given the question very great care. I can not believe, however, that it is the only test or the most appropriate test that can be made. I think our consular system could be utilized and would perform a great service if under American law it was made their duty to ascertain the fitness of immigrants who propose coming to the United States for citizenship here. You may say that that is a very great task. So it is, but as a general thing our consular officers are not seriously burdened with work, and if it were necessary for a foreigner to go to the American consul nearest his place of residence and before he could sail convince that officer that he was a man of character, that he had been a good citizen in the town or village or county from which he came, and that he was coming to this country because of the superior opportunities and advantages which it offered him and his children, I think that that method of restricting immigration would be far preferable to this.

That it is not impracticable and that this could be done we have only to consider that something similar must be done before Japanese subjects may come to the United States under the "gentlemen's agreement." They must go to their officials and convince them that they are asking nothing but what they are entitled to, and when they get their Government's approval they may come; not before.

I am going to repeat what I said in the beginning, and then I am going to yield the floor to others, that this legislation, if passed, will, in my opinion, repeal the treaty between Japan and the United States; it will, if passed, nullify the "gentlemen's agreement." If it does, perhaps that agreement can be renewed after this legislation is passed. I have no doubt whatever that after this legislation is passed and becomes a law the President of the United States could forthwith enter into a treaty with Japan by which this very privilege which is now contained in the "gentlemen's agreement" would become the operating principle of the two Governments in the matter of immigration.

Mr. TOWNSEND. Mr. President, may I ask my colleague a question?

Mr. SMITH of Michigan. Certainly.

Mr. TOWNSEND. I am not sufficiently able to understand the bill as to the boundaries established by lines of longitude and latitude to know whether the conferees have changed the provisions of the bill as it passed the Senate relative to the treatment of Japanese immigrants. Can my colleague inform me?

Mr. SMITH of Michigan. I understand there has been a change as to the geographical lines that were arbitrarily drawn, creating from it zones from which the immigrants may come, but the principle remains the same, and an absolute dead line is drawn through Russia. If born on one side of the line, an immigrant may come; if born on the other side, he can not come, no matter how excellent his character and qualifications.

Mr. LODGE. Mr. President, I will say to the Senator, if he will permit me, as I was one of the conferees, that we changed the lines. The lines as originally drawn, according to the suggestion of the State Department, ran directly north to the Arctic Ocean, including a portion of Siberia. Those lines have been abandoned, and a line of latitude has now been adopted which cuts out only Hindustan and Turkestan.

Mr. TOWNSEND. Will the Senator answer me this question? Is my colleague correct in stating that our action in adopting the conference report will practically repeal the treaty that we now have with Japan?

Mr. LODGE. I totally disagree with the Senator on that proposition.

Mr. SMITH of Michigan. If the Senator from Massachusetts disagrees with me, I almost doubt my own judgment about it. I would hardly want to take issue with him, such is my great respect for his knowledge in such affairs; and yet I still believe, though not quite so strongly, that this bill, if passed, will amount to a repeal of the treaty of 1911 in so far as the law is in conflict with the treaty.

Mr. FALL. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from New Mexico?

Mr. SMITH of Michigan. Certainly.

Mr. FALL. I suppose that the Senator's construction of the treaty upon which he relies in making his statement is that the "gentlemen's agreement" made three years prior to the execution of the treaty itself was simply, as it has always been called, a "gentlemen's agreement"—a verbal understanding between gentlemen?

Mr. SMITH of Michigan. Outside of the scope of the treaty.

Mr. FALL. And that in terms attached to the treaty of 1911 itself was an agreement in writing by the Japanese ambassador, for his Government, being duly authorized, that they would continue to observe the terms of the "gentlemen's agreement"? The Senator's construction, as I understand, is that it is in the nature, then, of a protocol of equal solemnity with the terms of the treaty itself?

Mr. SMITH of Michigan. And that this legislation will operate to repeal it if it is in conflict with the treaty; and, I suppose, to that extent at least the Senator from Massachusetts would not be in disagreement with me.

Mr. FALL. Mr. President, I do not know what construction the Senator from Massachusetts would put upon it, but I would put the opposite—that if, as the Senator contends, the Uchida declaration is a part of the treaty, the law itself simply providing in terms what the Uchida agreement provides could not be construed in conflict with it. The only proposition, in other words, is this: If the gentlemen's agreement is a part of the treaty, this law recognizing the gentlemen's agreement is not in conflict with the treaty itself.

Mr. SMITH of Michigan. Oh, yes.

Mr. FALL. Now, whether reducing it to a law would not only be a source of annoyance but would be possibly a cause of very serious offense to the Japanese Government is a matter about which I have my own opinion.

Mr. WATSON. Will the Senator state his own opinion?

Mr. FALL. I will at the proper time; but I do not want to take the time of the Senator from Michigan.

Mr. SMITH of Michigan. I feel that this treaty is in conflict with the legislation we are now discussing. I think it is unfair. I think it is ungenerous and unwise.

Mr. COLT. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Rhode Island?

Mr. SMITH of Michigan. Yes; I yield.

Mr. COLT. While I do not like to interrupt the Senator, I should like to speak of the literacy test simply from the standpoint of my experience.

For more than 25 years I have had a great deal to do with naturalization. The aliens of all countries, in large numbers, have frequently come before me for naturalization. It has been my duty to examine them individually. I have always made character the test; never the mere fact that the applicant could read or write. From my own experience extending over a generation, seeing these men face to face, and examining them critically as to all the facts of their lives, I have reached the unalterable conclusion that a literacy test of any character is absolutely insufficient, unfair, and unjust.

For this reason, based upon my long experience, I can not conscientiously bring my mind to vote for any such un-American, unfair, and unjust test.

Mr. SMITH of Michigan. Mr. President, I am very happy that the Senator interrupted me, as he has stated my own view much more clearly than I possibly could have stated it myself, and he has stated it out of the fullness of a larger experience than it has been my privilege to have. As an eminent jurist, before whom immigrants have come in the years that have gone, he has had an opportunity to study their character and fitness for citizenship; and he says that literacy is not the appropriate test.

I said a little while ago that the Senator from Delaware put into the RECORD about two years ago some very striking facts, which I am going to read. He then said:

Some years ago I had occasion to examine the muster rolls of the Continental line of the Revolutionary Army, and I discovered that in many companies as high as 75 to 80 per cent of the soldiers were

illiterates and foreigners. If those men, those illiterates, those foreigners, were then good enough to risk their lives in assisting to obtain our independence, it seems to me that the same class of men are now good enough to assist in the development of this great country.

Seventy-five to 80 per cent of the Continental line of the Revolutionary Army illiterate! That was not their fault. They had neglected no opportunity. They were heroic and courageous and country loving.

Mr. HARDWICK. Mr. President, if the Senator will pardon me, there has been considerable progress in the cause of education since then.

Mr. SMITH of Michigan. There has been in this country, but there has not been as much progress in the cause of education in some parts of the Old World.

Mr. HARDWICK. There has been a good deal since then.

Mr. SMITH of Michigan. Some, I grant you, but not so great as here.

Mr. HARDWICK. And most of the countries in the Old World have a very much lower percentage of illiteracy than we have.

Mr. LODGE. Yes; many of them have a much lower percentage of illiteracy than we have.

Mr. SMITH of Michigan. Well, Mr. President, that does not prevent vice and crime and disloyalty there and it will not here.

Mr. HARDWICK. Oh, no.

Mr. SMITH of Michigan. I can not bring myself to vote to pass this bill over the President's veto.

Mr. HUSTING. Mr. President, as a member of the Committee on Immigration, and as one who voted against this bill when it was before the Senate before, I desire to state very briefly the reasons that impel me to vote against this bill now.

In the first place, I think that it is a very inopportune time to pass an immigration bill of this kind. In the midst of an international crisis, such as we are in, I think it is wrong and impolitic to inject anything that will complicate our relations with any foreign Government. I am also opposed to doing anything that has the savor of bad faith, and I must say that, in my judgment, in the light of the understanding we have with Japan, we are trying to do by statute what we are either afraid to do or unable to do by treaty.

As I understand the situation, we have a treaty with Japan admitting citizens of that country into this country. Now, it is said that we have a gentlemen's agreement by which it is understood that no Japanese except certain classes are to be permitted to come here. The consideration for the treaty and the consideration for the agreement is that we are not to do anything in the way of enacting statutes which would change the treaty. That consideration is a substantial one, and it is based, no doubt, upon a desire not to be discriminated against. Here is a great nation that has some pride, a people that does not want to be put in a category where we could point to it and say that it is different from other peoples. The Japanese have asked us to do this thing not because they are anxious to have their citizens come here but because they do not want this great Nation to discriminate against them.

Mr. PHELAN. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. HUSTING. Certainly.

Mr. PHELAN. The treaty of 1911 between this country and Japan provides that the people of that country may enter here for the purpose of trade. It is not a general immigration treaty. It is a treaty of trade and commerce. Therefore I think the Senator is in error when he says that these people indiscriminately may enter this country under the provisions of that treaty.

Mr. HUSTING. I will ask the Senator whether, in his estimation, this law is not repugnant to the gentlemen's agreement that we have?

Mr. PHELAN. It is not repugnant to the gentlemen's agreement. It simply carries out the gentlemen's agreement. The gentleman who is speaking for the United States is the Congress of the United States. The original gentlemen's agreement was the gentleman in the State Department talking with the premier of Japan. Now the gentlemen in Congress are speaking to Japan. It is still a gentlemen's agreement. In this form it should be satisfactory to both parties who are honestly of one mind.

Mr. HUSTING. This is rather involved, but I think it is a fair statement to say that we are trying to do by statute something which is repugnant to the face of the treaty.

Mr. HARDWICK. Mr. President, will the Senator yield to me for just a moment?

Mr. HUSTING. Certainly.

Mr. HARDWICK. The Senator is absolutely in error. We have done nothing which is in violation of any treaty or any

agreement on earth, and I should like the Senator to point out either the agreement or the treaty.

Mr. HUSTING. My understanding is that, by a gentleman's agreement, it was understood that we were not to admit Japanese into this country.

Mr. HARDWICK. No, no.

Mr. REED. That we were not to legislate against them.

Mr. HUSTING. And that we were not to legislate against them.

Mr. HARDWICK. If the Senator will allow me to state it to him, because I am familiar with it—

Mr. HUSTING. Certainly.

Mr. HARDWICK. The Japanese Government agreed that it would not issue passports to Japanese laborers; and at that time, with an immigration bill pending, because of that agreement, no reference was made to the Japanese question.

Mr. REED. Mr. President, will the Senator pardon an interruption?

Mr. HUSTING. Certainly.

Mr. REED. The gentleman's agreement was that Japan would itself arrest the immigration, in consideration of which we were not to legislate.

Mr. HARDWICK. At that time, if the Senator pleases.

Mr. REED. As long as the agreement existed. Now it is proposed to legislate.

Mr. HARDWICK. Can the Senator refer to the terms of the agreement? He seems to be so familiar with it.

Mr. REED. I can only refer to them in the way they are stated to me—

Mr. HARDWICK. Then they are stated erroneously to the Senator.

Mr. REED (continuing). By the State Department:

Though not appearing in written agreement, it is understood by both Governments that the United States will not, during the operation of the agreement, legislate against the immigration of Japanese laborers.

Mr. HARDWICK. Well, we have not.

Mr. HUSTING. I did not intend to enter into a discussion of the details of this agreement. I merely want to say that my understanding is that according to this agreement we agreed we would not do certain things. In doing these things now by statute we are attempting in a way that is repugnant to a certain great power to do the very things that can be done and that are being done now without discrimination against a great nation.

I do not think that this is good policy. Particularly at this juncture, when we are facing a great international crisis, I do not think we ought in any way to further complicate international situations. I want to say that I do not think that at any time, whether it is in the face of a crisis or not, we ought to do anything such as this, because what is made by a treaty should be undone by a treaty, and what is made by a treaty should not be undone by a statute.

Mr. FALL. Mr. President, will the Senator yield for a moment?

Mr. HUSTING. Certainly.

Mr. FALL. The Senator made a suggestion that the citizens of one country had a right to go into the territory of the other without any restrictions; but that statement seems to have been questioned, and it has been asserted that this was purely a commercial treaty. I have the treaty here before me, and I think the Senator is entirely right:

The citizens or subjects of each of the High Contracting Parties shall have liberty to enter, travel and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

The gentlemen's agreement was reduced to a formal declaration in writing and attached to this treaty, and it modified that provision as to unrestricted travel and trade, and so forth. It is as follows:

In proceeding this day to the signature of the Treaty of Commerce and Navigation between Japan and the United States, the undersigned, Japanese Ambassador in Washington, duly authorized by his Government, has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States.

Signed by Y. Uchida.

Mr. HUSTING. That takes care of something that this law is made to take care of, only it does it in a way that is inoffensive to the people affected by it; while here we are gratuitously and wantonly endeavoring to do something that has already been taken care of, and endeavoring to do it in a way that is offensive to the other people. It does not accomplish anything, and it does us harm instead of good.

I am going to vote to sustain the President's veto because of the literacy test. As the President well says in his message:

It is not a test of character, of quality, or personal fitness.

I have lived all my life among people who were, or whose immediate ancestors were, immigrants to this country. Many of those who came to this country were unable to read or write, or to comply with this literacy test. That test, I say, was not one of fitness or of character, but merely one of so-called education. I think, however, we are very likely to ignore the fact that education can be other than book education and book learning. I have met many men whose education, gathered from other sources than books, gathered from experience, surpasses the education of the college graduate who is devoid of experience and devoid of many things that only experience in the school of hard knocks can teach.

Mr. President, it has been asserted here that this merely defers or delays the coming of the immigrant, because he can learn to read and write before he ultimately comes. Why, the very condition that makes him now unable to read and write is going to make it impossible for him to learn to read and write two years from now, or four years from now, or six years from now. It is a violent assumption to think that any great class of people remain ignorant through choice. Their only hope of getting an education is by being admitted into a country where the opportunity is afforded to them to get an education. I know of some people in my little city who came to this country only a few years ago and who were unable to read and write. They belonged to the class at which this legislation is aimed. Not long ago I learned that 30 of them, men and women, some of them past the meridian of life, had hired the public-school teacher in the city and were taking night lessons for the purpose of learning to read and write the English language. Many men who have never had the privilege of learning to read and write are the most insistent that their children shall learn to read and write. There is a thirst for knowledge in the breast of every man who has been denied the privilege of drinking of the spring of knowledge. That thirst impels him, when the opportunity offers, to drink deep and long of that spring and to see that his children have the privileges that have been denied to him.

A Member of the House of Representatives told me only a few days ago that his father was unable to read and write when he came to this country, but that when his children—and he had a family of eight—arrived at school age he personally took them to school every morning and called for them in the evening, and told them that he wanted them to have a privilege that had been denied to him.

So I say that many of the men who built this country, who came here when the country needed men who could shoot as well as men who could read and write, proved to be the bulwark of the institutions of this country and helped to build it up. Now, shall we say: "Our people came here; some of them could not read and write; but now that we have come here, now that we have enjoyed these opportunities, there is no more room for any others, and we shall have to close down the gates. We got here, but we are not going to let any others get in here."

Three different Presidents, I believe, have vetoed this very provision in immigration bills. President Wilson has vetoed it twice. Each and every one of them has said that this is a departure from our old-time policy. This is an asylum, not to the undesirable but to the unfortunate and the oppressed. I agree with them that the bill is a wide departure in principle in that it would show that we are beginning to ring down the curtain of a stage which has been open to all the oppressed people of the globe. The literacy-test provision is a provision that has its inception in selfishness instead of unselfishness, that has not a spark of altruism in it; and I say I am going to vote against this bill because I think it is un-American, I think it is bad in principle, and I think it will be harmful in its administration. I think the time is not yet here when we should say to the people of the world that this one asylum, this one country of hope, this one country of opportunity is closed to them forever.

Mr. LODGE. Mr. President, some 20 years ago, when I was on the Committee on Immigration, as I am to-day, we considered very carefully the suggestion about consular examinations which the Senator from Michigan [Mr. SMITH] has brought forward. It was found to be impracticable, because other nations would not allow our consuls to examine their citizens, and therefore it was abandoned.

Mr. President, I am not going to argue the illiteracy test. It has been discussed here for the last 25 years. I think everything has been said about it that can be said, on both sides. Personally, I do not think ignorance is an advantage in anybody; but the illiteracy test in this bill is a method of restriction, and after years of discussion and investigation it has been

found that, on the whole, it excluded more undesirable persons and fewer desirable ones than any other.

I merely wish to say a single word on this question that has been raised in regard to the Japanese. Two years ago we placed in the bill a provision, and worded it in a way satisfactory to the Japanese representatives, which excluded persons not eligible for naturalization, adding, except where there was other provision by treaty, convention, or agreement entered into or to be entered into. That provision was accepted by the Japanese at that time as satisfactory, with the addition of that exception. The House repeated that provision this year in its bill. Representations were then made that the Japanese objected to it because they did not like the intimation of race inferiority, and the Senate changed it to a geographical exclusion so as to reach other Asiatic immigration, and leave the Japanese under what is known as the gentlemen's agreement.

When we came into conference there was great objection to the changes made by the Senate, and the conferees finally decided on a provision which omitted all reference to agreements and all reference to eligibility for naturalization, and simply provided that persons now excluded in any way—by law, by treaty, by convention, or by agreement—should continue to be excluded after the passage of this bill. We make no race discrimination. It applies to all the world. It does not, in my judgment, touch the treaty of 1911 at all. That treaty left out the old provisions about immigration, and we were protected by the short time of notice necessary in case the gentlemen's agreement was abandoned.

Mr. REED. Mr. President—

Mr. LODGE. I have only a minute.

We do not affect the treaty. They desired us not to make any allusion to the gentlemen's agreement. We have made none. We do not change the gentlemen's agreement in any way. We leave it standing exactly as it is, and we cast no reflection on any race, nor do we make any discrimination. The gentlemen's agreement applies only to labor. All other classes are specifically excepted in the immigration law—all those who appear enumerated in the treaty. It applies only to labor; and the provision shutting out all aliens now excluded is simply carrying out existing provisions. The gentlemen's agreement will go right on if Japan chooses to uphold it.

Mr. REED. Mr. President—

The VICE PRESIDENT (at 4 o'clock p. m.). The hour of 4 o'clock having arrived, in accordance with the unanimous-consent agreement the question is, Shall the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, pass, the objections of the President of the United States to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], from the operation of which I am relieved on this vote. I therefore vote. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. The Senator from New York would vote "nay" and I would vote "yea." However, I am privileged to transfer my pair to the Senator from Oklahoma [Mr. GORE] and record my vote in the affirmative.

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness. I am paired with him for the day, but with the understanding that he would vote the same as I do on this question. I am at liberty to vote. I vote "yea."

Mr. LEWIS (when the name of Mr. LEA of Tennessee was called). Allow me to announce the absence of the Senator from Tennessee [Mr. LEE], who is detained by illness in his family. If present, he would vote in favor of the bill.

Mr. BRANDEGEE (when Mr. McLEAN's name was called). My colleague [Mr. McLEAN] is confined to his house by illness. He is paired with the senior Senator from Montana [Mr. MYERS]. If my colleague were here and at liberty to vote, he would vote to sustain the President's veto and would therefore vote "nay."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. In his absence I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. PITTMAN (when Mr. NEWLAND's name was called). The senior Senator from Nevada [Mr. NEWLANDS] is confined to his home by illness.

Mr. WALSH (when Mr. O'GORMAN's name was called). The Senator from New York [Mr. O'GORMAN] is unavoidably absent.

He is paired with the Senator from New Hampshire [Mr. GALLINGER], as heretofore announced. If the Senator from New York were present, he would vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Virginia [Mr. SWANSON] and vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is absent, and not knowing how he would vote I will transfer my pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. CUMMINS (after having voted in the affirmative). I am paired with the senior Senator from Nebraska [Mr. HITCHCOCK], but I understand that if present he would vote as I have voted, and therefore I will allow my vote to stand.

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness.

Mr. GALLINGER. I have been requested to announce a pair between the Senator from New Mexico [Mr. CATRON] and the Senator from Oklahoma [Mr. OWEN], and also a pair between the Senator from Maine [Mr. FERNALD] and the Senator from Louisiana [Mr. BROUSSARD].

The yeas and nays resulted—yeas 62, nays 19, as follows:

YEAS—62.

Ashurst	Gronna	Myers	Smith, S. C.
Bankhead	Harding	Nelson	Smoot
Beckham	Hardwick	Norris	Sterling
Borah	Hughes	Overman	Sutherland
Brady	James	Page	Thomas
Bryan	Johnson, Me.	Penrose	Tillman
Chamberlain	Jones	Phelan	Townsend
Chilton	Kenyon	Pittman	Underwood
Clapp	Kern	Poindexter	Vardaman
Culberson	Kirby	Pomerene	Wadsworth
Cummins	La Follette	Robinson	Watson
Curtis	Lane	Shafroth	Weeks
Dillingham	Lee, Md.	Sheppard	Williams
Fall	Lodge	Shields	Works
Fletcher	McCumber	Slimmons	
Gallinger	Martin, Va.	Smith, Ga.	

NAYS—19.

Brandeggee	Husting	Ransdell	Stone
Clark	Johnson, S. Dak.	Reed	Thompson
Colt	Lewis	Saulsbury	Walsh
du Pont	Lippitt	Sherman	Warren
Hollis	Martine, N. J.	Smith, Mich.	

NOT VOTING—15.

Broussard	Gore	Newlands	Smith, Ariz.
Catron	Hitchcock	O'Gorman	Smith, Md.
Fernald	Lea, Tenn.	Oliver	Swanson
Goff	McLean	Owen	

The VICE PRESIDENT. On the question, Shall the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States pass, the objections of the President of the United States to the contrary notwithstanding? the yeas and nays having been entered in accordance with the Constitution, the yeas are 62 and the nays are 19, and thus the bill becomes a law without the approval of the President of the United States.

EXECUTIVE SESSION.

Mr. CHILTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 20 minutes spent in executive session the doors were reopened.

AGRICULTURAL APPROPRIATIONS.

Mr. SMITH of South Carolina. Mr. President, I ask that the unfinished business, the Agricultural appropriation bill, be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

RECESS.

The VICE PRESIDENT. The hour of 5 o'clock and 30 minutes having arrived, the Senate stands in recess until 8 o'clock this evening.

Thereupon the Senate (at 5 o'clock and 30 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

GOVERNMENT OF PORTO RICO.

The PRESIDING OFFICER (Mr. CHILTON in the chair). According to the unanimous-consent agreement, House bill 9533 is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. JONES. Mr. President, there are only about eight or nine Senators present. I stated to-day that I would call for a quorum at the opening of the session to-night. I wish to ask the Senator in charge of the bill if he thinks we ought to proceed with the consideration of this measure with the eight or nine Senators who are present?

Mr. SHAFROTH. I believe a good many more Senators will be here, and if you consider the presence of Senators in the day-time, many bills are considered with less than the number who are now present.

Mr. JONES. I do not want to embarrass the Senator's bill. I know how anxious he is to get it through. I have no special objection to it myself. I think it is a very important measure; it affects a great many people; and I will not at this time call for a quorum if the Senator thinks it would be well to go on with the bill.

Mr. SHAFROTH. I think it would be well to go on with it. The PRESIDING OFFICER. What was the statement of the Senator from Washington?

Mr. JONES. I said I would not make the point of no quorum. The PRESIDING OFFICER. The question is, Has not the Senator already done so?

Mr. JONES. No; the Senator did not. The PRESIDING OFFICER. The Chair will so hold for the present; however, he does not know but that the point has been made. The Senator from Colorado.

Mr. SHAFROTH. The first matter that was passed over is section 29.

Mr. MARTINE of New Jersey. There were objections to points before that. I have an amendment to come in ahead of section 29.

Mr. SHAFROTH. I am speaking of committee amendments. I am trying to get the committee amendments through. The first committee amendment that was passed over was section 29. I tendered an amendment in behalf of the committee, and I ask now that that be considered.

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. PENROSE. Mr. President, I do not want to make myself disagreeable, but it seems to me that this is a farce.

Mr. SHAFROTH. Let me say—
Mr. PENROSE. I raise the point of no quorum, Mr. President.

Mr. SHAFROTH. I hope the Senator will not do that. We have been trying for weeks and weeks to have this bill considered.

Mr. PENROSE. I raise the point of no quorum. The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Chamberlain	Jones	Penrose	Sheppard
Chilton	Kenyon	Pomerene	Simmons
Clapp	Lane	Ransdell	Stone
Fletcher	Lewis	Reed	Thomas
Johnson, S. Dak.	Martine, N. J.	Shafroth	Vardaman

Mr. LEWIS. Mr. President, let me announce the absence of the Senator from Tennessee [Mr. LEA], caused by illness in his family.

Mr. CLAPP. I desire to state that the junior Senator from South Carolina [Mr. SMITH] is unavoidably detained on account of sickness in his family, which is quite serious. He has a pair with the senior Senator from South Dakota [Mr. STERLING]. I will let this statement stand for the day.

The PRESIDING OFFICER. Twenty Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators.
Mr. SHEPPARD. I desire to announce that the Senator from Oklahoma [Mr. GORE] and the Senator from Louisiana [Mr. BROUSSARD] are unavoidably detained by illness.

Mr. VARDAMAN. A good many other Senators are absent from some cause, I do not know what.

Mr. SHAFROTH. Mr. President, it is manifest that we can not get a quorum on such a bitter cold night, and we would only torture ourselves by remaining here. Therefore, I move that the Senate adjourn.

The motion was agreed to; and (at 8 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 6, 1917, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1917.

UNITED STATES CIRCUIT JUDGE.

Robert Lynn Batts to be United States circuit judge, fifth circuit.

UNITED STATES DISTRICT JUDGE.

Colin Neblett to be United States district judge for the district of New Mexico.

HOUSE OF REPRESENTATIVES.

Monday, February 5, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God of Hosts, mighty to deliver and strong to uphold, be with us in this hour of extreme peril, that we may be susceptible to Thy counsels and guided by Thy light in the affairs of state, that we may move with calmness and deliberation, that our judgments may be in accordance with Thy will. Grant, O most merciful Father, that we may not be drawn into the vortex of war and the evils incident thereto, but be able to maintain peace and tranquillity with all the world. Unite us as a people in all measures to secure our rights and maintain our honor in right and truth and justice. In the name of the Prince of Peace. Amen.

The Journal of the proceedings of Saturday was read and approved.

The Journal of the proceedings of Sunday was read and approved.

PENSION APPROPRIATION BILL (H. REPT. 1417).

Mr. RAUCH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. RAUCH. For the purpose of reporting an appropriation bill. Mr. Speaker, by direction of the Committee on Appropriations I wish to report the bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes, and desire to give notice that I will call it up following the passage of the naval appropriation bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 20748) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1918, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day, and the Clerk will report the first bill.

REGULATION OF ISSUANCE OF SECURITIES BY CARRIERS.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman objects, and the bill is stricken from the calendar.

GRANTING PUBLIC LANDS TO THE STATE OF OKLAHOMA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 15156) granting public lands to the State of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

LANDS WITHIN THE FORMER UNCOMPAGRE INDIAN RESERVATION.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompagre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes.